



The Collected Historical Works of
Sir Francis Palgrave, K.H.

In Ten Volumes

Volume Seven

THE RISE AND PROGRESS OF THE
ENGLISH COMMONWEALTH

ANGLO-SAXON PERIOD

IN TWO PARTS

PART II

PROOFS AND ILLUSTRATIONS

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THE COLLECTED HISTORICAL WORKS
OF SIR FRANCIS PALGRAVE, K.H.

edited by his son
SIR R. H. INGLIS PALGRAVE, F.R.S.

Vol. 7.

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ERRATA

- Page 104, line 21, *for* Chaaines¹ *read* Chaaines
,, 271, ,, 34, *for* Bretaine *read* Bretagne
,, 311, ,, 22, *for* ÆTHELRED *read* EDRED
,, 519, ,, 2, *for* Walter *read* Drogo
,, 600, ,, 8, *for* Bishop Aldred *read* Bishop Aldun or Ealdhun
,, 609, lines 18, 32, *for* Successione *read* Obsessione
,, 621, line 5, *for* Malcolm III¹ *read* Malcolm III
,, 622, ,, 3, *for* Malcolm IV¹ *read* Malcolm IV

THE
RISE AND PROGRESS
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ENGLISH COMMONWEALTH.

ANGLO-SAXON PERIOD.

CONTAINING

THE ANGLO-SAXON POLICY, AND THE INSTITUTIONS
ARISING OUT OF LAWS AND USAGES WHICH
PREVAILED BEFORE THE CONQUEST.

BY

FRANCIS PALGRAVE, F.R.S. & F.S.A.

PART II.

PROOFS AND ILLUSTRATIONS.

"By *Commonwealth* I must be understood all along to mean, not a Democracy, or any form of Government, but *any independent community*, which the Latins signified by the word *Civitas*, to which the word which best answers in our language is *Commonwealth*, and most properly expresses such a Society of Men, which Community or City in English does not, for there may be subordinate Communities in a Government; and City amongst us has quite a different notion from Commonwealth: and, therefore, to avoid ambiguity, I crave leave to use the word *Commonwealth* in that sense in which I find it used by King James the First, and I take it to be its genuine signification; which, if any body dislike, I consent with him to change it for a better."—LOCKE, *on Government*.

LONDON:
JOHN MURRAY, ALBEMARLE STREET.

MDCCCXXII.

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<i>Shaftesbury Survey</i>	857
26 Ed. III. <i>Extent of North Wales</i>	857
CONSERVANCY OF THE PEACE	858-862
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PROOFS AND ILLUSTRATIONS.

Part II.

PROCEEDINGS BEFORE THE KING, &c.

THE administration of justice by the Sovereign in person is so completely out of the pale of our ordinary legal history, that it becomes important to present the reader with some of the authorities affording evidence of the manner in which, during the early era of the Anglo-Norman Monarchy, the King exercised the prerogatives, of issuing at his will and pleasure the process which ran in his name, and also of presiding in his own tribunal. The rolls of the "Curia Regis" have been preserved from the reign of Richard Cœur de Lion, and these are probably the earliest which ever existed. Glanville never employs any expressions which can lead us to suppose that, in his time, the transactions of the supreme tribunal were reduced into writing, so as to form what we now call a record, that term being then exclusively applied to verbal testimony; whilst Bracton, on the contrary, makes frequent quotations from the 'written pleadings. The absence, however, of those muniments in the reign of Henry II. is in some measure supplied by the accounts of suits and actions found in the Monastic Chronicles; and, even in the period which is elucidated by the regular memorials of the Courts, these narrations often afford the most curious comments upon the authentic muniment. The story of the lawsuit may be incorrect in its statements and partial in its colouring, but the tale places us in the situation of the parties themselves. In the precise technicality of the record, we discover no traces of the angry passions which were excited by the strife. The calm phraseology of the law, whether announcing weal or woe, is neither varied in tenor nor changed in tone. Still less, when we consider the regular course of the process—the entries of the writ, the return, the declaration, the issue, the judgment, can we see the nod which quickened the pen of

(See Part I.,
Chap. ix.
&c.)

(See Part I.,
p. 117.)

Part II. the acute Prothonotary, or hear the sweet, soft whisper, prompting the solemn decision delivered from the seat of justice. All these concealed springs of action are disclosed by the narrator, who, when he filled the fair and glossy vellum of the ponderous volume which was to be kept under the triple keys of the superiors of the House, was little aware that the "*Secretum Abbatis*," as such a register was oftentimes called, would ultimately become the means of imparting all his confidences to posterity.

Suit between Hilary, Bishop of Chichester, and Walter, Abbot of Battle, concerning the exemption of the Abbey from Episcopal Jurisdiction. (No. I.)

The long contested plea between the Bishop of Chichester and the Abbot of Battle arose out of the privileges conferred by the Conqueror upon the Monastery, which was to be at once the lasting monument of his victory, and the supposed atonement for the bloodshed which had been occasioned by the assertion of his claim.

King Willam bythogte him ek of the volc that was verlore
And aslawe eke thoru him, in bataile by vore,
There as the batayle was, an Abbey he let rere
Of Seyn Martin, vor her soules that ther aslawe were
And the monekes wel ynou feffede withoute fayle,
That ys ycluped in Englelond, Abbey of the Batayle¹.

[King William bethought him also of the people that were lost
And also slain through him in battle before,
There where the battle was he caused to be built an Abbey,
Dedicated to Saint Martin, for the souls of those who were slain
there.

And assuredly endowed the monks right well
—That is called in England, the Abbey of the Battle.]

The territory for one league around the site of the Church, thus founded under the advocacy of St. Martin, was granted to the monks with all the King's rights and prerogatives, as free as he held the same, quit of "Geld and Scot,"² and Danegeld, of Brigbote, Burghbote, and Fyrdwite; of suits to Shires and Hundreds; and with Sac and Soc and Toll and Theam, and all the powers by which territorial jurisdiction was exercised. And furthermore, in the plenary exercise of his royal authority, William declared that the Church of St. Martin of Battle was to be freed and exempted from all episcopal jurisdiction, in as ample a manner as the Church of Canterbury. The charter^a

Exemptions contained in the foundation Charter.

^a Liber de Situ...ecclesiæ de Bello et de possessionibus sibi a Rege Willielmo et aliis quibuslibet datis. (Bib. Cott. Domitian ii, f. 23.) [The book of the site etc. of the Church of Battle, and of

by which these rights were imparted is attested by the Primates of Canterbury and York, and several other Prelates, Earls and Barons. Stigand, however, the Bishop of the South Saxons, in whose diocese the Abbey was locally situated, does not appear as an assenting party; and the subsequent transactions shew that he then objected to the grant. Gausbert was brought from Marmoustier¹ to be the head of the colony of Norman ecclesiastics, by which the new foundation was to be peopled; and when he sought consecration from the Prelate, the latter refused to officiate unless the Abbot-elect repaired to Chichester to receive the benediction: but the Norman appealed to his Sovereign, who forthwith ordained that the Bishop should perform the ceremony in the monastery, and the benediction was given to him by Stigand, before the altar of St. Martin. To remove all pretence of episcopal jurisdiction, William also ordered that the Bishop and his train should neither lodge in the monastery nor take a meal there. And to the end that, in aftertimes, the exemption might be placed beyond all doubt, William issued a writ^a addressed to Lanfranc, Archbishop of Canterbury, and to Stigand, declaring, or rather enacting, that all future Abbots should be consecrated at Battle, like Gausbert, and repeating and enforcing the clause that the church should be discharged from any ecclesiastical subjection, whether to the parent Abbey of Marmoustier, or to any other person whomsoever; and that as completely as Christ Church, Canterbury, or as the Chapel Royal of the King.

Battle Abbey—filled with Monks from Marmoustier—over whom Gausbert was appointed the first Abbot.

Stigand insists that Gausbert shall repair to Chichester to receive consecration—Gausbert appeals with success to William, who confirms the exemptions of the Abbey.

Exemptions from the jurisdiction of the Ordinary seem hitherto to have been very rare, if not entirely unknown, in England, or at least no grant can be produced which is free from suspicion, or which has not been the subject of contest; and as the Norman prelates used every endeavour to retain all the rights which had been enjoyed under the Anglo-Saxon Constitution, the privileges granted to Battle Abbey, to the detriment of the Diocesan, must have been viewed with discontent

the possessions granted by King William and certain others. (Cotton MS. Domitian ii, f. 23.)] Monasticon, III. 234. This valuable Manuscript, from which the subsequent extracts are taken, appears to have been compiled before the close of the reign of Hen. II.

^a Monasticon, III. 244. One of the original foundation charters, a magnificent and perfect specimen of ancient calligraphy, is now in the British Museum. Cart. Ant. Harl., no. 83 A 12.

Part II.

1148.
Hilary,
Bishop of
Chichester,
a Prelate of
great
learning
(see below,
p. 15, note b),
attempts to
exercise
Episcopal
jurisdiction
over the
Abbot,

who
appeals to
King
Stephen.

Stephen
orders the
Charters to
be read
before
him, and
decrees in
favour of
the Abbot.

Narratives of
the renewal
of the
Abbatial
Charters
(No. II.), of
the disputes
with the men
of Romney
(No. III.)
and with
Gilbert de
Balliol—
(No. IV.).

and jealousy. Therefore, when Hilary, a learned and active prelate, had succeeded to the see in the reign of Stephen, he endeavoured to enforce his episcopal authority by summoning the Abbot, Walter de Lucy^a, to a synod at Chichester, and exacting hospitation in the Abbey, and in the Manor-houses which were situated upon its demesnes; and in addition to these tokens of supremacy, he insisted, notwithstanding the declarations of the Charters, that the Abbots of Battle should seek their consecration at his Cathedral. In these proceedings he was sanctioned by the joint authority of Pope Eugenius¹, and of Theobald, Archbishop of Canterbury; but his antagonist, a man of equal energy, was strong in the support which he received from his brother, Richard de Lucy, a powerful Baron who afterwards filled the office of Justiciar^b, and who appears to have been already distinguished for his eloquence and knowledge of the law. Bishop Hilary pronounced a sentence of suspension against the contumacious Abbot, who forthwith appealed to the Royal authority. Stephen immediately inhibited the Bishop from troubling the "Chapel of St. Martin," which, as the King's Royal Chapel, was to be freed from all exactions and oppressions; and he summoned both parties to appear before him at London, in order that, in the presence and with the counsel of his Bishops and his Barons, an end might be put to these dissensions. At the appointed day the Bishop did not attend, but the cause proceeded. Stephen caused the Charters to be read before him; and having been advised on the subject, he decreed that, according to the tenor of the grants, the Church of Battle was to be freed from all Episcopal subjection whatever.

Upon the death of Stephen, the litigation was renewed and continued, until brought to an amicable settlement by the authority of his successor. The proceedings themselves are the best commentary upon the principles of constitutional jurisprudence which then prevailed: an observation which equally applies to the histories of the renewal of the Abbey Charters,—of the disputes relating to the rights of Denegemars,—and of the suit which Abbot Walter prosecuted with so much success against Gilbert de Balliol.

^a Installed 1139. Died 1171. Upon his death the custody of the Abbey was committed, during four years, to Richard de Lucy, his brother.

^b See below, p. 10, note c.

Many additions could have been made to these monastic Part II. narratives, but I have omitted them, in order to afford space for a document, which, as far as I am aware, is without a parallel, it being the only instance in which a layman is found detailing any portion of his own adventures or history. Richard de Anesty, the hero as well as the author of this most singular narrative, of which the original autograph is preserved in the repository in which Domesday is treasured, has afforded us so complete a development of the manner in which a Plaintiff was compelled to "follow his suit in person," that no language, except his own, could afford any adequate idea of the spirit and practice of our antient judicature. The cause of the litigation is, however, obscurely told, and we might have been still ignorant of the circumstances under which he was enabled to recover the land of "William my Uncle," but for the preservation of a report addressed to Pope Alexander III.¹ and inserted amongst the epistles of the celebrated John of Salisbury, who probably prepared the document for the use of the Judges-delegate, to whom the cause had been referred: it appears to have been the custom to apply to such learned "Clerks" when any official document of importance was required; and from this despatch we can collect the main facts upon which the case arose, and the legal principles which it involved.

Richard de Anesty—
narrative of his suit brought against Mabel de Francheville for the land of "William my Uncle"—
i.e. William de Sackville (No. V.).

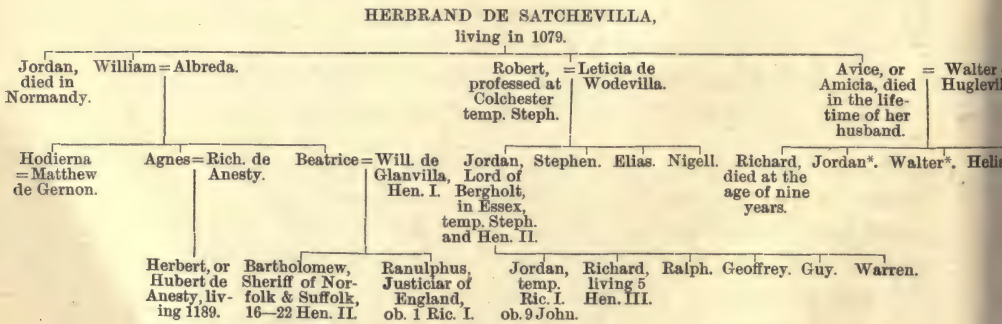
The individual whom Richard de Anesty designates as "William my Uncle," was William de Sackville^a, his sister

^aCum itaque jam dictus *Ricardus*, cognatus *Willelmi de Saccavilla* et nepos, sicut *sororis filium vulgus nepotem dicere consuevit*, petitionem hæreditatis ad bona Avunculi obtinenda instituerat, memorata *Mabilia* filia *Willelmi*, se illi in foro secularium judicum, ubi res actitabatur, opposuit; asserens filiam nepoti in paternâ hæreditate præferendam. *Ricardus* verò, ei nihil juris hereditarii competere respondit; eo quod non esset ex legitimo suscepta matrimonio, sed adulterino procreata complexu...ut autem liquidius causam suam astrueret, et adversariam spuriam esse doceret, Avunculum suum *Willelmum*, cum quadam *Abbenda (Albreda) de Tregoz* matrimonium contraxisse asseruit, et exinde, illâ contra fidem conjugii derelictâ, duxisse *Adelitiam* filiam *Amfridi* Vicecomitis. (Joh. Sarisb. Ep. 89.) [When therefore the aforesaid *Richard*, the relative and nephew of *William de Sackville* (for sisters' sons were commonly called "*nephews*"), instituted a petition of heirship with a view to the possession of the goods of his Uncle, the above-mentioned *Mabel*, a daughter of *William*, put in a counter claim in the court of the

Part II. being the mother of the Claimant. William de Sackville had given a promise of marriage to Albreda de Tregoz, but, in violation

secular justices, in which the action was being tried, asserting that a daughter had a prior claim to a nephew to be her father's heiress....But *Richard* answered that she had no right of heirship whatever, because she was not the child of lawful wedlock, but was the offspring of an adulterous amour....Moreover to make his claim more apparent and to prove that the counter-claimant was base-born, he asserted that his uncle *William* had entered into a contract (see p. 22, note b) of matrimony with one *Abbenda* (*Albreda*) *de Tregoz* and having subsequently deserted her in violation of his marriage vow, had married one *Adeliza* the daughter of the sheriff *Amfrid*. (Letters of John of Salisbury, 89.)]

The statement of John of Salisbury is so clear, that we cannot doubt but that it is a correct report of the relationship which existed between the litigant parties; yet we cannot ascertain the situation which *William* ought to hold in the genealogy of the noble family of Sackville, the descent whereof has been thus [erroneously?] deduced by Collins, Morant, and Edmondson, who follow an ancient pedigree in the College of Arms:—



* All infants, at the time of the death of their father, and in ward to Hen. I.

It is unnecessary to observe that Richard de Anesty could not have been the husband of one of the three co-heiresses of the person whose lands he claims in the character of nephew, and in default of lawful issue; nor is it probable that, under the circumstances of the case, he could be the grandson of Herbrand; yet it is certain that he did marry a daughter of a William de Sackville, for the entry upon the rolls of the 28 Hen. III., quoted by Morant, bears the appearance of authenticity.

Radulphus Gernon profert cartam donationis Williemi de Sauca- villa pro terris datis per eundem Willielmum, Agneti et Hodiernæ

of this engagement, he contracted a marriage with Adeliza, Part II. the daughter of the "Vice-comes Amfrid," by whom he had issue, but Mabel de Francavilla appears to have been the sole survivor. Albreda, thus abandoned, instituted proceedings in the ordinary ecclesiastical court; and as, in consequence of

filiabus suis; et dicit quod ista Agnes nupta fuit cuidam *Ricardo de Anesty*, qui habuit exitum Herbertum de Anesty, qui vixit tempore Regis Johannis et procreavit Nicholaum de Anesty, patrem Dionisiæ, quæ nupta fuit cum tota hæreditate Willielmo de Montecanisio. Et quod Hodierna soror ejusdem Agnetis fuit mater Radulphi Gernon qui vixit temp. Ric. I. (Plac. de Banco. 28 Hen. III.) [Ralph Gernon presents the charter of the gift of William de Sackville of the lands given by this same William to his daughters, Agnes and Hodierna; and he declares that this Agnes was married to one *Richard de Anesty*, who had issue, Herbert de Anesty, who lived in the reign of King John and was the father of Nicholas de Anesty, the father of Denise, who was married with all her inheritance to William de Munchensi; and that Hodierna, the sister of this same Agnes, was the mother of Ralph Gernon, who lived in the reign of Richard I. (Common Pleas. 28 Hen. III.)] Et in registro Abbatie de Colecestria annotatur quod Willielmus de Saukavill filius et hæres *R.* concessit prædictis Agneti et Hodiernæ filiabus suis terras vocatas Talbotts et Brinsic in parochia de Buers ad montem, quæ postea concessa fuerunt monachis ibidem. Et Jordanus Saucavilla filius et hæres confirmavit eas Abbatie.—Morant's Essex, ii. 224. [And in the register of the Abbey of Colchester it is noted that William de Sackville, the son and heir of *Richard*, did grant to the aforesaid Agnes and Hodierna, his daughters, the lands called Talbots and Brinsic in the parish of Mount Bures, which were subsequently granted to the monks of that place; and Jordan Sackville, the son and heir, did confirm them to the Abbey. (Morant's Essex, ii. 224.)]

It will be observed, however, that the Book of Colchester (probably one of the Registers mentioned by Tanner to be in the possession of the Earl of Kent) describes William as the son of *R. de Sackville*, and the father of Jordan, and that neither on the roll nor in the register is it mentioned that his wife's name was Albreda, or that Beatrice de Glanville was his daughter. We can, therefore, only arrive at the conclusion, that three Sackvilles, each named William, have probably been united into one individual by the compilers of the pedigree. Adeliza cannot be identified, though there are some reasons for supposing that her father belonged to the family of de Vere¹.

Part II. the influence of her husband, she was unable to prosecute her suit with effect, she appealed afterwards, as it was alleged by Richard de Anesty, to the authority of Henry of Blois, Bishop of Winchester, the nephew of Henry I. and brother of Stephen, then Papal Legate in England. The Bishop obtained a rescript from Pope Innocent, in which the Holy Father, upon a statement of the case, declared that the espousals between William de Sackville and Albreda, having been contracted "*per verba de præsenti*," the second marriage with Adeliza was illegal. Pursuant to this opinion, a sentence of nullity was pronounced in the Synod held at London^a before Henry of Blois; and William de Sackville, obedient to the decree, returned to Albreda, with whom he continued to cohabit until his dying day.

Statement of
Mabel de
Francheville.

This, it will be recollected, is the statement of Richard de Anesty. But it was contradicted in its most material points by the advocates of Mabel^b; and in fact, upon the death of her father, she entered upon the land. Richard de Anesty was therefore compelled to bring his writ against his adversaries, meaning Mabel and her husband, in the King's Court, to which they pleaded, that the daughter was to be preferred before the nephew in the succession to the inheritance. Anesty replied, that Mabel, as the spurious issue of an adulterous marriage, was not the heir of her father. And the King's Court therefore ordered that a question depending upon the canon law, "*known to the clergy, but unknown to the laity*," should be decided by the ecclesiastical tribunal. The narrative, from this period, is very clear; and it is sufficient to observe that the suit was carried on with as much regularity, and, we must add, with as little expedition, as it could have been, if, instead of killing six horses in the pursuit of justice, the parties had tarried within the tranquil quadrangles of Doctors' Commons. The justice of the ultimate decision is doubtful, and it is perhaps to be ascribed, in some degree, to the judicious application of the money taken "*upon use*" from Vives and Hakelot and their brethren. Besides which, it is evident that Richard Anesty was in the midst of his own powerful connexions and Peers, and that

^a Probably either in 1141 or 1143. Councils were held at London in these years, and in which Henry of Blois presided.—Wilkins, *Concilia*, I. pp. 419—421. He seems to have been appointed legate about 1139.

^b See below, pp. 22 ff., note b.

the principal persons by whom the suit was to be decided were **Part II.** all more or less in his interest, and naturally favourable to his cause. The question of pre-contract is one upon which discordant opinions have been given by the Canonists; and even if the dissolution of the marriage with Adeliza may have been justified, it is doubtful whether the arguments urged on the part of Mabel against her consequent illegitimacy were not sufficient to protect her rights, according to the law as it was then practised and expounded.

These are the costs and charges which I, Richard de Anesty^a, Translation¹ of Richard de Anesty's Narrative. bestowed in recovering the land of William, my Uncle, to wit— In the first place, I sent a certain man of mine own into Normandy, for the King's writ, whereby I impleaded my adversaries, and he spent half a mark² in that journey. And when my messenger brought me the writ, as soon as I received the writ, I proceeded to Sarum with the same, in order that it might be returned under the Queen's seal³; and in that journey I spent two marks of silver. And when I came back, I heard that Ralph Brito^b was about to cross the water: so I followed him

1158.

^a The family of Anstey, Anesty, or Hanesty, is said to have derived its name from Anstey in Hertfordshire. Richard de Anesty appears as a witness to the confirmation of the grant of Stamford and Ongar to Richard de Lucy (see below, p. 12). The witnesses to the ancient charters were almost always the suitors or "Peers" of the Baronial court. He was then probably a tenant of the honour of Boulogne, if not of Richard de Lucy himself (see below, pp. 10 ff., note c). Hubert, his son, in 1199, paid his relief for ten knight's fees in Essex and Hertfordshire, amongst which were the lordships of Great Braxted, Thorington, and Ridgwell (Essex), the latter being held of the honour of Boulogne. (Morant, vol. i. p. 450; vol. ii. pp. 137—341.) In Anesty, Hormead, Berkesdon, and Bracking (Hertfordshire), and Nutfield (Surrey), Hubert held three other knight's fees of the same honour, all of which descended to him from his father. Nicholas, the son of Hubert, died without male issue, leaving a daughter, Dyonisia, married to William de Montecaniso, in whose descendants the Anesty domains became vested.

^b Radulphus Brito accounted, 16 Hen. II. and subsequent years, for the issues of the Honour of Boulogne, then in the King's hands. (Magn. Rot. 16 Hen. II.; Madox, Baron. Angl. p. 63; Exch. pp. 180—203.) He was also Custos of the lands of Henry de Essex, 29 Hen. II., and

Part II. to Southampton, for the sake of speaking to him, in order that he might purchase for me the King's writ^a, addressed to the Archbishop^b, because I knew that the plea would be removed into the Archbishop's court; and in that journey I spent twenty-two shillings¹ and seven pence, and I lost a palfrey which I had bought for fifteen shillings. And having returned from thence with the Queen's writ, I went to Ongar, and delivered the writ to Richard de Luci^c, who, having seen and heard the same, gave me

in the same year he paid an instalment of a fine by which he compounded for his quietus. (Madox, Exch. p. 691.) He was probably a tenant of the Honour of Boulogne, who had been appointed to act as the King's receiver or bailiff. The manor of Chigwell, in Essex, was granted by Richard de Lucy to this Ralph Brito, to be held of him by the service of one knight's fee; and the same manor was afterwards confirmed to Robert, the son of Ralph Brito, by Richard de Lucy, but to be held of Willielmus de Goldington. (Madox, Form. Angl., Nos. 75, 79, and 288.) Ralph Brito also held one knight's fee in Essex of Robertus de Helmar (Lib. Nig., p. 240), and about 23 Hen. II. he was one of the Justices Itinerant for the Counties of Essex and Hertford. (Madox, Exch. p. 90.)

^a This is not the exact case in which the King's writ is required to be addressed to the Archbishop by the Constitutions of Clarendon (c. 8); but the resort to the royal authority is quite in conformity to the spirit of the law:—*De appellationibus si emergerint, ab Archidiacono debent procedere ad Episcopum, ab Episcopo ad Archiepiscopum. Et si Archiepiscopus defuerit in justitiâ exhibenda, ad Dominum Regem est perveniendum postremo, ut præcepto ipsius, in curiâ Archiepiscopi, controversia terminetur, ita quod non debet ulterius procedere absque assensu domini Regis.* [Concerning appeals, if they should arise, they should be referred by the Archdeacon to the Bishop, by the Bishop to the Archbishop. And if the Archbishop should fail to administer justice, the matter should, in the last resort, be referred to our Lord the King, so that, by his precept, the suit may be brought to a conclusion in the Archbishop's Court; with the understanding that no further appeal be made without the consent of our Lord the King.]

^b Theobald of Bec, who died 1160, and was succeeded by Thomas à Becket.

^c About this time Richard de Lucy was acting, together with Robert de Bellomonte, Earl of Leicester, as one of the Justiciars of England. From the custody of the seal being entrusted to the Queen, it seems that she was also one of the Regents. De Lucy filled the

a day for pleading at Northampton, on the eve of St. Andrew; **Part II.** and within that term I sent Nicholas, my "Clerk," for Geoffrey

29 Nov.
1158.

office of Sheriff of Essex, in which the Sackville barony was situated, besides being the *Peer* of Richard de Anesty, in their capacities of tenants of the honour of Boulogne, or the great barony antiently belonging to Eustace, Earl of Boulogne, which afterwards became vested in William, Earl of Mortain and Boulogne, the third son of King Stephen. Ongar, where Richard de Lucy built his castle, was granted or confirmed to him by the Earl; Henry II. afterwards added the Hundred of Ongar to the grant of the Lordship; and from William, Earl of Gloucester, De Lucy obtained the Lordship of Greensted. The charters of donation are extremely curious in themselves, and also throw much light upon the relative situations of the persons named therein, and I have therefore subjoined them:—

W. Comes GLOWERNÆ omnibus hominibus suis amicis, Francis et Anglis, tam præsentibus quam futuris, Salutem. Sciatis me dedisse et concessisse, et hâc præsentî Cartâ meâ confirmasse *Ricardo de Luci*, pro servitio et homagio suo, totam villam meam de *Grenestede* cum omnibus pertinentiis suis; et servitium *Ricardi de Marci* quod mihi debebat de quatuor militibus; et servitium *Radulphi de Marci* quod mihi debebat de duobus militibus; et servitium *Mauricii de Toheham* quod mihi debebat de tribus militibus; et servitium *Manseri de Sancto Martino* quod mihi debebat de uno milite et quartæ partis unius militis: cum omnibus rebus quæ ad me inde pertinebant, in feodo et hæreditate, sibi et hæredibus suis. Ad tenendum de me et hæredibus meis, faciendo inde mihi et hæredibus meis servitium decem militum pro omni servitio. Et pro ista donatione et concessione homo meus devenit, et de recognitione dedit mihi unum annulum aureum, et Dominæ uxori meæ alterum annulum aureum. Testibus, *Oston* [?] de *Sancto Audemaro*, *Ricardo de Cordi*, tunc Senescallo, *Alexandro de Monteforti*, *Simone de Sancto Laudo*, *Willielmo de Clifden*, *Rogero de Willers*, *Roberto fil. Greg.*, *Henrico Crasso*, *Alexandro de Ticheseia*, *Willielmo Dabernun*, *Godefrido de Luci*, *Willielmo Croc*, *Widone de Rocca*, *Reginaldo de Luci*, *Rogero fil. Reinfredi*, *Willielmo de Picheni*, *Willielmo filio Simonis*. (Cartæ Antiquæ, I. i., no. 9.) [William, Earl of Gloucester, to all men, his friends, both French and English, both in the present and in the future, Greeting. Know ye that I have given and granted and by this my present charter have confirmed, to *Richard de Lucy*, in consideration of his service and his homage, the whole of my vill of *Greensted* with all its appurtenances; and the service of *Richard de Marci*, which he owed me, to wit of four knights; and the service of *Rudolf de Marci*, which he owed me, to wit of two knights; and

Part II. the service of *Maurice of Toheham*, which he owed me, to wit of three knights; and the service of *Manser de Saint Martin*, which he owed me, to wit of one knight and the fourth part of one knight, with all the incidents that appertain to me therefrom in fee and heritage, to himself and his heirs; to be held of me and my heirs, by performing therefrom to me and to my heirs, as complete service, the service of ten knights. And in consideration of this my gift and grant he became my man, and in recognition thereof gave me one golden ring and to the Lady, my wife, another golden ring. Witnesses, *Otton of St. Omer*, *Richard de Cordi*, at that time Seneschal, *Alexander de Montfort*, *Simon de St. Lô*, *William de Clifden*, *Roger de Villers*, *Robert son of Gregory*, *Henry Le Gros*, *Alexander de Ticheseia*, *William Dabernun*, *Godfrey de Luci*, *William Croc*, *Widon de Rocca*, *Reginald de Luci*, *Roger son of Reinfrid*, *William de Picquigny*, *William son of Simon*. (Ancient Charters, I. 1., no. 9.)]

Comes W. filius Regis STEPHANI omnibus hominibus suis dilectis et fidelibus, Francis, Anglis, et nominatim omnibus qui sunt et qui futuri de Honore Comitis *Eustachii*, Salutem. Sciatis me concessisse et reddidisse *Ricardo de Luci*, *Stanford*; et *Angre* quæ est membrum de *Stanford*; et *Reyng*, præter hoc quod pertinet ad Ecclesiam Sancti *Bartholomæi*; et *Cristeshal*; et de Rapo de *Pevensello*, *Lestona* et *Centinges* quod inde habet *Warnerius de Issevin*. Ad tenendum de me et hæredibus meis, sibi et hæredibus suis, in feodo et hæreditate, per servitium trium militum. Quare volo et firmiter præcipio quod idem *Ricardus* et hæredes sui omnia prædicta bene in pace et honorifice teneant, cum omnibus libertatibus et liberis consuetudinibus, sicut melius et honorabilius ea tenuerunt prædecessores mei, in terris et hominibus, in bosco et plano, in aquis et stagnis, vivariis, pratis, viis, semitis, et in omnibus ad eas res pertinentibus. Factum est autem hoc Londoniæ, coram Rege STEPHANO. Testibus *Henr. Winton*. Episcopo, *Hug. Dunelm*. Episcopo, *Willielmo Priore Sancti Pancratii*, *Reginaldo de Ware*, *Hugo de Petro Ponte*, *Ricardo de Hanesti*, *Oseberto Martel*, *Turroldo de Borram*, *Roberto de Ruilli*, *Philippo de Querceto*, *Simone de Grentesmenil*. (Cartæ Antiquæ, I. 1., no. 10.) [Earl William, son of King Stephen, to all his beloved and faithful men, French, English and specially to all those who are or shall be tenants of the Honour of Earl *Eustace*, Greeting. Know ye that I have granted and restored to *Richard de Luci*, *Stanford* and *Ongar* (which is a member of *Stanford*) and *Reyng* (with the exception of that portion which belongs to the Church of St. *Bartholomew*) and *Cristeshal* and in the Rape of *Pevensey*, *Laughton* and *Centinges*, which *Warner of Issevin* holds thereof. To be held of me and my heirs, to him and his heirs,

in fee and heritage, for the service of three knights. Wherefore I **Part II.** will and strictly enjoin that the aforesaid *Richard* and his heirs, do hold all the above-mentioned properties well and in peace and in honour, with all the liberties and free customs, as my predecessors best and most honourably held them, in lands and in men, in wood and plain, in waters and pools, in fish-ponds, meadow-lands, highways and bye-paths and in all that appertains to these properties. Moreover this was given at London, in the presence of King Stephen. Witnesses, *Henry*, Bishop of *Winchester*, *Hugh*, Bishop of *Durham*, *William*, Prior of *St. Pancras*, *Reginald de Ware*, *Hugh de Pierrepont*, *Richard de Anesty*, *Osbert Martel*, *Turrold de Borram*, *Robert de Ruilli*, *Philip Cheney*, *Simon de Grentemesnil*. (Ancient Charters, I. i., no. 10.)]

In the confirmation of this charter by Henry II. he notices other grants of the same lordships made by Stephen and Matilda, and declares that they are to be held "sicut Comes Eustachius de Bolonia vel Comes Stephanus de Moreton, unquam melius vel liberius vel honorificentius eas tenuerunt tempore Regis H. avi mei" ["just as Earl Eustace of Boulogne or Earl Stephen de Mortain, ever held them on better condition and with greater liberty and honour in the time of King Henry, my grandfather"]. He also confirmed the grant of Greenstead. (Cartæ Antiquæ, I. i., nos. 11 and 12.) The Hundred was first granted by the following Charter:—

H. Rex Angliæ et Dux Normanniæ et Aquitaniæ, et Comes Andegaviæ, Archiepiscopis, Episcopis, Abbatibus, Comitibus, Baronibus, Justiciariis, Vicecomitibus, Ministris et omnibus fidelibus suis, Francis et Anglis, totius Angliæ, Salutem. Sciatis me dedisse et concessisse et præsentî Cartâ confirmasse *Ricardo de Luci*, et hæredibus suis Hundredum de *Angr'*: videlicet quicquid in Hundredo illo habeo, ipsi et hæredibus suis, habendum de me et hæredibus meis. Quare volo et firmiter præcipio quod ipse *Ricardus de Luci* et hæredes sui post eum, Hundredum illud habeant et teneant, bene et in pace, libere et quiete, integre et plenarie et honorifice sicut illud ipsis dedi, et hæc Cartâ meâ confirmavi. T. *Johanne Decano Sarisb. Johanne Archid. Bath'*, *Comite Willielmo de Mand'*, *Reginaldo de Curtenai*, *Willelmo de Lanval*, *Roberto de Briwecurt*. Apud Beauveir super Moiram¹. (Cart. Ant. Cott. xi. 5.) [Henry, King of England and Duke of Normandy and Aquitaine, and Count of Anjou, to the Archbishops, Bishops, Abbots, Earls, Barons, Justiciaries, Sheriffs, Ministers and to all his loyal subjects, both French and English, throughout England, Greeting. Know ye that I have given and granted and by this present Charter have confirmed to *Richard de Luci* and to his heirs the Hundred of *Ongar*; to wit whatever belongs to me in that Hundred, to be held by himself and his heirs of me and my heirs.

Part II. de Tregoz and for Albreda^a, his sister,—to wit, she who had been my Uncle's wife,—whom he found at Berney, in Norfolk; and in that journey he spent fifteen shillings and lost one pack-horse^b, which I had bought for nine shillings.

And when he came back, I went to Northampton to open my pleadings, with my friends and my helpers; and in that journey I spent fifty-four shillings. Hence Richard de Lucy gave me another day at Southampton, on the fifteenth day: and in that journey I spent fifty-seven shillings; and in that same journey I lost one pack-horse worth twelve shillings. Afterwards Ralph Brito came from Normandy, and he brought me the King's writ, whereby the plea was removed into the Archbishop's court, and I carried the writ to Archbishop Theobald, whom I found at Winchester; and in that journey I spent twenty-five shillings and four pence. And then the Archbishop gave me a day on the feast of St. Vincent, and that plea was held at Lambeth. And thence he gave me a day on the feast of St. Valentine the martyr; and in that journey I spent eight shillings and six pence; and that plea was held at Maidstone. From thence he gave me a day on the feast of St. Perpetua and St. Felicity: and in the mean while I went to the Bishop of Winchester, to speak with him, in order that he might certify the divorce which had taken place before him in the Synod at London; and in that journey I spent one mark of silver. And having obtained the Bishop's certificate, I appeared on my before mentioned day, prepared for my pleadings, and that plea was held at Lambeth; and there I spent thirty-seven shillings and six pence. From thence he gave me a day on the Monday next after Lætare Jerusalem;

13 Dec.
1158.

22 Jan.
1159.
14 Feb.
1159.

7 March,
1159.

23 March
(Monday
after
Lætare
Jerusalem,
or Mid-Lent
Sunday),
1159.

Wherefore I will and strictly enjoin that the said *Richard de Luci* and his heirs after him do have and hold that Hundred well and in peace, freely and quietly, wholly, fully and honourably just as I gave it to them, and by this my Charter have confirmed to them. These being witnesses, *John*, Dean of *Salisbury*, *John*, Archdeacon of *Bath*, *Earl William de Mandeville*, *Reginald de Courtenay*, *William de Lanval*, *Robert de Bruecort*. At Beauvoir-sur-Mer. (Ancient Charters. Cottonian MSS. xi. 5.)]

^a Albreda afterwards became the wife of Robertus de Beseville; and upon her marriage, Geoffrey de Tregoz, her brother, endowed her with a knight's fee in Aspall, Suffolk. (Abb. Plac. 7 Ric. I. p. 100.)

^b "Amisit unum Runcinum," i.e. a Rouncy. In Spanish, *Roçin*—whence *Rozinante*.

and in the mean while I went for Master Ambrose, who was then Part II. with the Abbot of St. Alban's in Norfolk: and in that journey I spent nine shillings and four pence; and I sent Sampson, my chaplain, unto Buckingham for Master Petrus de Melide^a; and in that journey he lost his palfrey, which I made good to him for one mark of silver, and he spent seven shillings there.

Having thus got at the aforesaid Clerks, I kept my day with my helpers at London; and, in that journey, I spent five marks of silver. Thence the Archbishop gave me a day on Quasimodo 19 April
(Quasimodo
geniti, or
the first
Sunday
after
Easter),
1159. geniti Sunday, and in the mean while, I sent John, my brother, beyond the seas, to the King's Court, because it was told to me that my adversaries had purchased the King's Writ exempting them from pleading until the King should return to England; and therefore I sent my brother for another Writ, lest my pleadings should be stayed on account of the Writ obtained by my adversaries; and in that journey my brother spent three marks of silver. And in the mean while I myself went to Chichester, to speak to Bishop Hilary^b, in order that he might give evidence

^a 1181—Magister Petrus de Melidis was appointed a Papal delegate, together with the Bishops of Hereford and Worcester, for the purpose of examining the privileges of the Monastery of St. Augustine, which the Archbishop of Canterbury alleged to be forgeries. (Thorn, p. 1831.)

^b Bishop Hilary, who had been one of the Papal Clerks, was much celebrated for his knowledge of the Civil Law. He had also been employed by Henry of Blois; so that Richard de Anesty evidently obtained a very favourable witness, and that same favourable witness was afterwards appointed by the Pope to decide the case concerning which he had testified. Hilary, before his promotion to the See of Chichester, had been nominated or elected to the Archbishopric of York by a part of the Chapter; but the election was annulled by the Pope, in the manner related by the Continuator of Simeon of Durham, who has thus described his character and attainments.

1148—Secundum Apostolici decretum, in suburbio de Richemund, apud ecclesiam Sancti Martini, in vigilia S. Jacobi Apostoli, convenerunt majores cleri Eboracensis ecclesiæ et dioceseos, de electione Archiepiscopi tractaturi. Noluit enim Willielmus, episcopus Dunelmi, Eboracum venire: quia infestus ei fuit Willielmus Comes Eboraci, à quo, sub vi anathematis, Episcopus exigebat Ovenden, et alias possessiones ecclesiæ Dunelmensis, sibi præreptas à Comite. Factaque est dissensio inter eos de qualitate personæ eligendæ. Rodbertus enim de Gant, Cancellarius Regis et Decanus, et Hugo Putheacensis, nepos

Part II. of the divorce which had been decreed in his presence before my Lord of Winchester, in the Synod at London, and I received his

Regis et Thesaurarius, quos Willielmus Archiepiscopus promoverat ad honores in ecclesia Eboracensi et pars cum eis consenserunt in electione magistri Hylarii clerici Apostolici. Willielmus autem Episcopus Dunelmensis, Aldulfus Episcopus de Karleol, Willielmus de Augo Cantor Eboraci, et Archidiaconi et pars residua cum eis Henricum Murdac, abbatem de Fontibus, prætulerunt in electione. Litem hanc eorum diremit Apostolicus, consecrans Henricum Archiepiscopum Eboracensem apud civitatem Treveris in octabis Sancti Andreae, dominica, secunda Adventus Domini. Hylarius vero ex Apostolici præcepto jam fuit consecratus Episcopus ecclesiae Cicestriae. Qui Hylarius in ministerio Henrici Wintoniae Episcopi plurimum gloriae pretium emeruit. Postea ad ministerium Apostolici translatus, in reddendis et prosequendis causis advocatus disertissimus, et jurisconsultus peritus in curia Romana fuit. [1148—In accordance with the bull of the Pope¹ the greater clergy of the Church and diocese of York did assemble in the suburb of Richmond at the Church of St. Martin on the eve of St. James the Apostle's day to deal with the election of an Archbishop. For William, Bishop of Durham, refused to come to York, because he was at enmity with William, Earl of York, from whom the Bishop was seeking to recover, by excommunicating him, Ovenden and other possessions of the Church of Durham, which had been forcibly seized by the Earl. There arose a dissension among them as to the kind of person to be elected. For Robert of Ghent, King's Chancellor and Dean, and Hugh Pudsey, the King's nephew and Treasurer, whom William the Archbishop had promoted to office in the Church of York, and their partisans, were unanimously in favour of the election of Master Hilary, the Papal clerk. But William, Bishop of Durham, and Adelulf, Bishop of Carlisle, William of Eu, Precentor of York, and the Archdeacons and the remainder with them, brought forward for election Henry Murdac, Abbot of Fountains. This dispute the Pope effectively settled by consecrating Henry Archbishop of York in the city of Trèves in the octaves of St. Andrew, on the 2nd Sunday in the Advent of our Lord. But Hilary in accordance with the Papal bull was consecrated Bishop of the Church of Chichester. Now this Hilary won the greatest distinction in the service of Henry, Bishop of Winchester. When he was subsequently transferred to the service of the Pope, he proved himself a most eloquent advocate in defending and prosecuting causes and a skilful lawyer in the Roman Court.]

evidence, viz. the letters which he sent to the Archbishop testifying **Part II.** the divorce; and in that journey I spent fourteen shillings and four pence.

I kept my day at London with my clerks, and my witnesses, and my friends, and my helpers, and there I remained for four days, pleading every day; and in that journey I spent one hundred and three shillings. Thence he gave me a day on Rogation Day: and when I kept my day at Canterbury, my adversaries said that they would not plead, on account of the summons of the King's army for [the expedition against] Toulouse^a; and in this journey I spent thirty-eight shillings, and departed without a day. 18th May,
1159.

And I followed the King and found him at Avinlarium^b; and in this journey did I tarry for thirteen weeks before I could obtain the King's Writ for proceeding with the pleadings, and in that journey I spent four pounds¹ of silver and ten shillings. Having purchased the King's Writ, I returned: and having found the Archbishop at Mortlake, I delivered the King's Writ to him, and he gave me a day on the feast of St. Crispin and St. Crispinian, on which day I came to Canterbury; and in that journey I spent twenty-four shillings and six pence. And from thence he gave me a day on the octaves of St. Martin, and on that day I came to Canterbury; and in that journey I spent twenty-nine shillings, all but two pence. From thence, my Lord of Canterbury gave me a day on the feast of St. Lucy the Virgin, and in the mean while I sent Master Sampson, my Chaplain, to Lincoln, for Master Peter, and in that journey I spent half a mark; and when the day 25th Oct.
1159.
18th Nov.
1159.
13th Dec.
1159.

* The Writs of summons for the army against Toulouse appear to have been returnable at Midlent, 1159, and in this year most of the Chroniclers place the great expedition, which was one of the most remarkable military events of Henry's reign. (Rob. de Monte, ed. d'Achery, 778. Rad. de Diceto, Imag. Hist. 531. Joh. Sarisb., Polycraticus, lib. viii. cap. ult. Gervas. Dorobern., 1381.) In the Norman Chronicle, published by Duchesne (SS. H. Norm. p. 995), and which, in substance, is the Chronicle of Robert de Monte, the expedition, by an evident mistake either of the transcriber or the printer, is assigned to 1158. Neubrigensis places the expedition in the seventh year of Henry's reign, in the year 1161. This, perhaps, has also arisen from some clerical error.

^b Perhaps Auvilar², in Gascony, a town situated on the banks of the Garonne, about fifteen French leagues below Toulouse.

Part II. of my plea arrived, I could not appear in consequence of my illness, but I sent my essoigners who essoigned me at Canterbury; and in that journey they spent ten shillings. And from thence a day was given me on the feast of St. Fabian and St. Sebastian, and on that day I came to London where my Lord of Canterbury was; and in that journey I spent twenty-two shillings and eight pence. From thence he gave me a day on the feast of St. Scolastica the Virgin, and I kept my day at Canterbury; and in that journey I spent thirty-seven shillings and six pence. And from thence he gave me a day on Lætare Jerusalem, and I kept my day at London; and in that journey I spent forty-three shillings. From thence he gave me a day on Misericordia Domini Sunday; and in the mean while I sent Robertus de Furnes, and Richard de Marci^a, for Godfrey de Marci; in which journey I spent ten shillings, and Robert de Furnes lost a palfrey worth two marks; and I myself went to the Bishop of Winchester, in order that I might obtain a more precise certificate of the divorce which had been decreed; and in that journey I spent thirty-four shillings and five pence, and I found the Bishop at Fareham, near Portsmouth; and from thence I brought back with me Master Giordano Fantasma^b, and Nicholas de Chandos, in order that they might testify *viva voce*, what the Bishop had already testified by his Writ.

20th Jan.
1160.

10th Feb.
1160.

6th March,
1160.

10th April
(Misericordia Domini,
the second
Sunday after
Easter),
1160.

^a It will be recollected that Richard de Marci held four knight's fees of Richard de Luci, and Ralph de Marci held two (p. 11);—other individuals of this family, William, Henry, and John de Marci, were all tenants of the honour of Boulogne. (Lib. Nig. p. 391.) At a later period, Geoffrey de Sackville and Radulphus de Marci were jointly fined a thousand marks for a trespass in the King's forests in Essex. Rot. Litt. Pat. 9 John.

^b Master Giordano Fantasma¹, probably an Italian by birth, was one of the "Clerks" of Henry of Blois, and a poet of some importance; for Mr. Petrie's unwearied researches have discovered a valuable metrical history of the dissensions between Henry II. and his son, composed by Fantasma in Romance verse. About this time Master Giordano was himself engaged in litigation with another "Clerk" of Winchester, one Master John Joichel who, without license from Fantasma, had acted as regent of a school or college at Winchester. How, or by what authority, Master Giordano had acquired a monopoly of instruction in that city, does not appear; but the Delegates gave sentence in his favour, and his rival was enjoined to shut up his school, under pain of excommunication. (Joh. Sarisb. Ep. 19.)

And I kept my day, prepared for my pleadings, at London; **Part II.** and there I spent thirteen shillings and four pence. From thence the Archbishop gave me a day on the Clause of Pentecost, and in the mean while, I myself went to the Bishop of Lincoln for Master Peter, who was then with him at Stafford; and in that journey I spent twenty-two shillings and seven pence, and I sent Sampson, my Chaplain, for Master Stephen de Binham, whom he found at Norwich; in which journey he spent nine shillings, and then I kept my day at Canterbury, prepared for pleading, with my Clerks, and my witnesses, and my friends, and my helpers; in which journey I spent four pounds and twelve shillings, because we were pleading there for two days.

Clause of Pentecost, either the Saturday in Whitsun week, or Trinity-Sunday, 21 or 22 May, 1160.

From thence, he gave me a day on the octaves of St. Peter and St. Paul the Apostles; and I kept my day at Wingham; and in that journey I spent twenty-seven shillings and two pence. From thence, he gave me a day on the Feast of St. Sixtus; and I kept my day at Lambeth; in which journey I spent eighteen shillings and two pence. From thence, he gave me a day on the Decollation of St. John the Baptist; and then I kept my day at Canterbury; and in that journey I spent twenty-three shillings. From thence, he gave me a day on the feast of St. Luke the Evangelist. In the mean while, I crossed the water, in order that I might solicit a license from our Lord the King, to appeal to Rome^a. And, in that journey, I lost a palfrey which I had

6th July, 1160.

6th Aug. 1160.

29th Aug. 1160.

18th Oct. 1160.

^a Nullus appellet vel ad Papam vel ad Archiepiscopum, neque aliquod placitum ex eorum mandato teneatur: neque aliquod mandatum eorum in Anglia recipiatur. Et si quis tenuerit vel receperit, vel tractaverit, capiatur et retineatur. (Hoveden, 284.) [No appeal may be made to the Pope or to the Archbishop, nor may any plea be held in consequence of their mandate, nor may any mandate of theirs be received in England. If any man shall hold or receive such or treat for the same, let him be arrested and held in custody. (Roger of Hoveden, 284.)] These constitutions were enacted after the dispute with Becket; but the law was evidently in full force before. The writ founded upon the enactments was to the following effect: Henricus, &c. Vicecomiti N., Salutem. Præcipio tibi quod si aliquis clericus vel laicus in balliva tua ad Romanam curiam appellaverit, eum capias et firmiter teneas, donec voluntatem meam præcipiam (Quadrilogus, lib. v. c. 2.) [Henry, &c. to the Sheriff N., Greeting. I hereby charge you, if any of the clergy or laity in your bailiwick make an appeal to the court of Rome, to seize him and hold him in

Part II. bought for sixteen shillings; and I spent six marks and five shillings; and, having received the license, I kept my day at London and I appealed to Rome [praying that a day might be given me there] on Lætare Jerusalem; and in that plea I spent sixteen shillings and eight pence. After this I sued for the Archbishop's writ of appeal; but he refused to issue it immediately on the spot, but he gave me a day for receiving it at Canterbury; at which day I came and received my writ, but without seal, in order that I might shew the same to my Advocates, and obtain their opinion whether it was according to law; in which journey I spent fifteen shillings. And afterwards I sent that same writ by Sampson, my chaplain, to Lincoln, to shew it to Master Peter de Melide; and in that journey he spent five shillings and sixpence. And afterwards I sent the same writ to Master Ambrose^a, whom the messenger found at Binham; in which journey he spent eighteen pence; and the writ being corrected by my advocates, I carried the same back again to Canterbury, in order that it might be sealed; and having seen the writ, they refused to seal such a one, but they gave me another without seal. Hence, having received the writ, I went to shew the same to the Bishop of Chichester; and having heard his advice, I returned; in which journeys I spent two marks of silver. And then I sent the writ again by Sampson, my chaplain, to Master Peter; in which journey he spent half a mark of silver: I then sent the same writ again to Master Ambrose, at St. Alban's; and, their advice being received, and the writ corrected, I went to the Archbishop at Wingham, and there my writ was sealed; and in this journey I spent ten shillings.

And when I came back, I sent John, my brother, to Winchester, in order that he might purchase the Bishop's writ certifying the divorce to the Holy Father; and I myself went

durance, until I make known to you my pleasure. (Quadrilogus, lib. v. c. 2.)]

^a Master Ambrose was an Italian, and one of the Clerks of Robert, Abbot of St. Alban's. Matthew Paris describes him as one of the most eminent civilians of England. Much about this time he was dispatched to Rome by the Abbot to obtain a confirmation of the privileges of St. Alban's; the Monastery being then engaged in a suit against the Bishop of Lincoln, of the same description as that between the Abbot of Battle and the Bishop of Chichester. (Vitæ Abbatum S. Albani, p. 94.)

to the Bishop of Chichester, whom I found at Salisbury, in order that he might certify the divorce by his writ, addressed to the Holy Father in the same manner as he had done before to the Archbishop: and in that journey I spent seventeen shillings, and John spent nine shillings; and a second time and a third time did I send my brother to Winchester before I could have an available writ; and in those two journeys he spent nineteen shillings. Thereafter I got my clerks ready, and sent them to Rome,—to wit, Sampson, my chaplain, and Master Peter de Littlebury^a, and one man to attend them, in whose outfit, to wit, in horses and in clothing, I spent five marks of silver; and in that journey to Rome they spent twenty-five marks of silver. And when they came back, they said that they had spent forty shillings beyond what I had supplied them with, and which had

About
March, 1161.

^a It appears, from a curious itinerary preserved in a manuscript copy of Matthew Paris, that there were about forty-five “journeys” between London and Rome. However it is not probable that Master Sampson and Master Peter rode every day, so that about two months would elapse before they reached their place of destination. As an early, though not the earliest specimen, of the “livre des postes” of the middle ages, for an Anglo-Saxon itinerary of the same road is extant, the original is subjoined.

LUNDRES — jurnee — *Roffa* — jurnee — *Cantuaria* — dim-jurnee — *Dovera, real Chastel, clef de Engleterre* — *La Mer* — *Witsant* — jurnee — *Mustroil* — jurnee — *Seint Richer* — jurnee — *Pois* — jurnee — *Beuveis* — jurnee — *Beaumont sur Eisne* — jurnee — *Saint Dinis* — jurnee — *Paris* — *Grant Punt* — jurnee — *Provins* — jurnee — *Nogent* — jurnee — *Trois en Burgoine* — jurnee — *Bar sur Seine*; *Putries, Abbacia*: *Russelun*: *monticulus* — jurnee — *Chasteillun sur Seine* — jurnee — *Chanceux* — jurnee — *Fluri* — jurnee — *Beune* — jurnee — *Chalun sur le Sonne* — jurnee — *Mascun* — jurnee — *Liuns sur le Roune* — jurnee — *La tur de Pin* — jurnee — *Munt de Chat* — jurnee — *Ege-belette* — jurnee — *Chamberei* — jurnee — *Ege-Belle* — jurnee — *Seint Michel au pe du Mont*: *Mont Senis*: *Hospital* — jurnee — *La Suse* — jurnee — *Torins* — jurnee — *Verceus* — jurnee — *Pavie*: *Fons* — jurnee — *Lodes* — jurnee — *Cremune* — jurnee — *Parme* — jurnee — *Rege* — jurnee — *Mothne*; *Munt Bardun* — jurnee — *Vile a Virnce* — *Sardaine* — jurnee — *Lune* — jurnee — *Lukes* — jurnee — *Seint Clere* — jurnee — *La Martre* — jurnee — *Seine la Veille* — jurnee — *Le Munt Flascun* — jurnee — *Biterbè* — jurnee — *Sutre* — jurnee — *ROME*. (Bib. Cott. Nero D i, f. 182 b.)

Part II. been lent to them by a certain clerk of the Bishop of Lincoln who accompanied them, and which I repaid to him. Having received the brief of our Lord the Pope, I carried the same to the Bishop of Chichester and the Abbot of Westminster, to whom the same was directed^a, in order that my plea might be brought into their court; and in these journeys I spent eighteen shillings and nine pence. After they had seen the Apostolical precept, they fixed a day for me to plead at Westminster, in eight days

6 Oct. 1161. of the feast of St. Michael; and I kept my day, with my advocates, and my friends, and my witnesses, and my helpers; and there we tarried three days before we pleaded, on account of the King's commands, about which the Abbot and the Bishop were employed; and in that journey I spent four pounds and ten shillings.

18 Nov. 1161. From thence, they gave me a day in eight days of St. Martin. In the mean while I sent John, my brother, for Godfrey de Marci, in order that he might attend as my witness: and he could not come, because he was ill, but he sent his son in his place; and in that journey John, my brother, lost a palfrey which he had bought for fifteen shillings, and he spent seven shillings and six pence. On the appointed day, I came to London, prepared and ready for pleading, because I thought I should then obtain my judgment; and there we tarried five days, and there I spent one hundred and four shillings; and then my adversaries appealed to the presence of the Holy Father himself, [such appeal to be heard] on the feast of St. Luke the Evangelist^b; and I requested the instrument of

18 Oct. 1162.

^a The original bull or brief of Pope Alexander, addressed to Hilary, Bishop of Chichester and the Abbot of Westminster, is yet extant in the Treasury of the Court of Exchequer. (*Fœdera*, N. E., vol. i. p. 19.) Both parties having failed to produce witnesses before the Papal Audience, by whose testimony the cause could be decided, the Pope gives full power to the Bishop and the Abbot, as his delegates, to hear and determine the same.—If either party, after the allegations have been propounded and the witnesses examined, and before sentence pronounced, shall appeal to the Pope, the Delegates are not to proceed to sentence, but to transmit all the acts, &c. to the Papal Audience, under their seals. But if no appeal be made, the Delegates are to pronounce definitive sentence.

^b On the hearing of the suit, Richard de Anesty produced his witnesses, who had been present when the divorce was pronounced, and a copy of the letter said to have been addressed by Henry of Blois to the Holy See. In the report drawn up by John of Salisbury, it is

appeal, and they gave me a day at Oxford on the feast of **Part II.**
 St. Andrew; and I kept my day; and I tarried there for nine days
 before I could obtain my instrument; and there I spent thirty-^{30 Nov.}
 four shillings. And having received the writ, but without seal,^{1161.}
 I carried the same to Master Peter, at Lincoln, in order that he
 might correct it; and in that journey I spent one mark of silver.
 The writ being corrected, I carried the same to the Bishop of
 Chichester at Winchester, on the octaves of the Epiphany, in
 order that it might be sealed there; and the Bishop would not^{13 Jan.}
 seal it, because the Abbot of Westminster was not there: and^{1162.}
 in this journey I spent two marks of silver: but afterwards it
 was sealed at Westminster on Lætare Jerusalem, where I spent^{18 March,}
 twenty-three shillings and four pence. Afterwards, I went to^{1162.}
 the Archbishop of York for his writ deprecatory, to be addressed
 to the Holy Father, and to the Bishop of Durham for his writ to
 the Holy Father and the Cardinals; and I found them both at
 York; and I returned to the Bishop of Lincoln for his writ,

stated very pointedly that the originals were not adduced; and such
 precise and guarded terms are employed, as to imply some suspicion
 of the authenticity of the transcript. On the part of the plaintiff
 it was argued, that Mabel, being born "ex damnato coitu," was
 bastardized by the dissolution of the marriage of her parents, and
 incapable of the succession.

The advocates of Mabel de Francavilla replied, that the decree of
 divorce was not grounded upon law. The pretended espousals of
 William de Sackville and Albreda had not been effected by a contract
 "de presenti," but by a mere promise, from which either party could
 recede; and, as a proof that such was the case, they alleged that
 Albreda's father had not only released to William de Sackville and his
 father all obligations arising out of the promise, but that he had
 promoted the marriage with Adeliza, which had been openly solemnized
 in the face of the Church.

The divorce, such as it was—they continued—had been unduly
 obtained. Adeliza had been forcibly expelled from her husband's
 house through the machinations of Geoffrey, Archdeacon of London,
 who was supported by the authority of Henry of Blois, who had not
 yet entered upon his legatine office; Alberic, Bishop of Ostia, then
 holding the same. Adeliza had appealed to the Bishop of Ostia, and
 prayed for justice against the Archdeacon and the Bishop of Win-
 chester. But the Bishop, corrupted by bribes, evaded the commands
 of the Legate, and pronounced his unrighteous decree. William de

Part II. addressed likewise to the Holy Father and the Cardinals; and in that journey I spent forty-eight shillings. And when I returned, I proceeded to the Bishop of Winchester for his writ; and I found him at Glastonbury; and there I spent thirty-two shillings.

Oct. Nov.
& Dec. 1162.

Afterwards, when the time of appealing drew nigh, having prepared my Clerks, I sent them to the Court of Rome, where they tarried sixty-two days before they could have my sentence; and there they spent eleven marks of silver. And when they came back, they brought a sentence [confirming the previous sentence, on the ground] of adultery. One instrument was directed to the Archbishop, another to Richard de Lucy, and the third to me: and with these instruments I proceeded to my Lord Richard de Lucy, whom I found at Rumsey; and there we awaited the return of the King, who was about to come back from Normandy. Thence I followed the Court for three weeks before I could make fine with the King; and in that journey

Sackville, on his death-bed, acknowledged that he repented him of the sin which he had committed by conniving at the machinations of the Archdeacon, as was attested by the letters of Gilbert, Abbot of Colchester, and also by many other persons of religion who were there present; and he had also acknowledged Mabel to be his right heir.

Furthermore, they urged, that admitting the divorce to be valid, the Bishop and the Archdeacon had not pronounced against the children; and such had been the judgment of Theobald IV., Count of Blois and Champagne, to whom the proceedings had been transmitted, in relation to the fiefs held of him by William de Sackville; and who, by the advice of the best of the Bishops of France, as well as of other learned men, had declared that the children were the legitimate heirs, and not to be affected by the fraud or ignorance of their parents.

This, in fact, was the most material point. According to the canon law, the dissolution of a marriage contracted within the prohibited degrees by persons who, acting *bonâ fide*, are ignorant of the impediment, does not bastardize the issue; and Richard de Anesty's advocates laboured to show that the marriage between William de Sackville and Adeliza did not come within the rule: whilst the cause of Mabel was supported partly by examples;—for it was asked, were the children of the Kings of France, and of other great personages whom the Advocates named, to be bastardized by the divorce of their parents?—and partly by quoting certain texts of the civil law, alleged to be applicable to the case.

I spent five marks of silver. And because the King was vexed Part II.
on account of his Holiness not having directed any brief to him,
I sent a messenger on the following day to the Holy Father,
for a writ directed to the King (which my messenger afterwards
brought to me on the Clause of Easter, at Windsor); and in
that journey the messenger spent fifty shillings. After I had
fined with the King, my Lord Richard de Lucy, by the King's
precept, gave me a day for pleading at London at Mid-Lent; 3 March,
1163.
and there was then a Council; and I came there with my friends
and my helpers; and because he could not attend to this plea
on account of the King's business, I tarried there for four days,
and there I spent fifty shillings. From thence, he gave me a
day on the Clause of Easter; and then the King and my Lord 31 March,
1163.
Richard de Lucy were at Windsor; and at that day I came with
my friends and my helpers, as many as I could have; and in
the mean while I sent my brother for Ranulf de Glanville^a,
whereby he lost a palfrey, which he had bought for twenty
shillings, and he spent half a mark in this journey; and because
my Lord Richard de Lucy could not attend to this plea on account
of the plea of Henry de Essex^b, the judgment was postponed

^a Richard de Anesty applied to Glanville, with whom he was probably connected by marriage, as a "helper." Glanville appears to have been rising into favour 10 Hen. II., when he acted as Sheriff of Yorkshire; but he was not advanced to the post of Justiciar till 25 Hen. II.

^b This plea was the appeal of treason preferred against Henry de Essex, the hereditary grand standard-bearer of England, by Robert de Montfort, and which was decided by battle in 1163. (Rad. de Diceto, p. 586. Mon. I. 463.) Henry de Essex was vanquished by his antagonist, and became liable to capital punishment; but by the mercy of Henry II. the sentence was mitigated, and Essex was allowed to become a monk in the abbey of Reading; his lands were nevertheless forfeited to the Crown. The alleged crime which had rendered the unfortunate Baron liable to accusation, was his conduct in the battle of Basingwerk, 1157, when Henry II. sustained a defeat from Owen Gwynnedd. In this conflict he was seized with a sudden panic, and casting down the banner of England, he fled, exclaiming "The King is slain"; and to this defection the victory of the Welsh is to be principally ascribed. (Guil. Neub. p. 119. Gervas. Dorobern. 1880.) Yet he was not suspected by his Sovereign, and he served afterwards without reproach in the expedition against Toulouse; and a private

Part II. from day to day until the King should come to Reading: and at Reading, in like manner, it was postponed from day to day until he should come to Wallingford; and in that journey I spent six pounds and five shillings. And from thence, because my Lord Richard was going with the King to Wales, he removed my plea into the court of the Earl of Leicester at London; and there I came; and in that journey I spent thirty-five shillings and seven pence; and because I could not get on at all with my plea, I sent to my Lord Richard, in Wales, to the end that he might order that my plea should not be delayed; and then by his writ he ordered Ogerus Dapifer^a and Ralph Brito, that without delay they should do justice to me: and they gave me a day at London; and that messenger spent five shillings. I kept my day therefore with my friends and my helpers; when I spent twenty-seven shillings and four pence. From thence, my adversaries were summoned by the King's writ and also by my Lord Richard's writ, that they should come before the King; and we came before the King at Woodstock, and there we remained for eight days; and at last, by the grace of God and of the King, and by judgment of his court, my uncle's land was adjudged to me; and there I spent seven pounds and ten shillings.

Gifts and
douceurs
given by
Richard de
Anesty
to his
"helpers,"
and to the
King and
Queen.

These are the gifts which I gave in the Archbishop's court to the pleaders and the clerks who helped me—to wit, eleven marks of silver; and in the court of my Lord of Winchester, fourteen marks of silver; and to Master Peter de Melide, ten marks, and a gold ring worth half a mark of silver; and to Master Robert de Chimai, one mark. And in the King's court I spent in gifts, in gold and silver, and in horses, sixteen marks and an half; and I gave forty shillings to Master Peter de Littlebury; and amongst the other pleaders, my neighbours, who were accustomed to come to my pleas, I spent in gifts of money and horses, twelve marks and an half.

quarrel which arose between him and Montfort was the cause of the proceeding which ended in his disgrace and misfortune.

^a Ogerus Dapifer held one knight's fee of Richard de Luci in Scotesbrok (Shobrok), Devonshire, of the "new enfeofment"—(Lib. Nig. p. 235); and he appears as one of the attesting witnesses to the grants made by de Lucy to Ralph Brito and his son. Ogerus was Sheriff of Norfolk and Suffolk about 14 Hen. II.; and about 16 Hen. II. acted as a Justice in Eyre in that county. (Madox, Exch. 98, 399.)

To Ralph^a, the King's physician, I gave thirty-six marks and an half; to the King an hundred marks; and to the Queen one mark of gold. Part II.

In the first year of my plea, when I sent John, my brother, beyond seas for the King's writ, I borrowed the forty shillings which I spent, from Vives, the Jew of Cambridge, upon usance, a groat¹ a week for the pound; and I kept the moneys during fourteen months, and I rendered for hire of the same, thirty-seven shillings and four pence; and this was on the third day after Mid-Lent. And at Easter following, the said Vives lent me again sixty shillings, at a groat a week for the pound; which I kept six months, and for hire thereof I rendered twenty-four shillings. And when I myself crossed the sea for the King's writ for pleading, then Comitissa^b of Cambridge lent me four pounds and ten shillings, which I spent on the journey, at a groat a week for the pound; which moneys I kept nine months, and for which I rendered for usance, fifty-four shillings. And when I went for Master Peter at Stafford, then Bon-enfaunt the Jew lent me fifty shillings, at a groat a week for the pound; these moneys I kept five months, for which I rendered for usance, sixteen shillings and eight pence. And at the Clause of Pentecost, when I pleaded at Canterbury, then Dieu-la-Cresse the Jew lent me forty shillings, which I kept two months; at a groat a week for the pound; for which I rendered for usance, five shillings and four pence. And when I crossed the water to obtain license to appeal to Rome, then Jacob, the Jew of Newport, lent me sixty shillings, at a groat a week for the pound, which I kept thirteen months; for which I rendered for usance fifty-two shillings.

Account of
the monies
borrowed by
Richard
upon
usance
from the
Jews, for
the purpose
of carrying
on his suit.

^a This Ralph, probably *Ralph de Bellomonte* (B. P. 3), described as "quidam in arte medicinæ peritus," is noticed as attending the King's Court on the hearing of the cause between the Abbot of Battle and Bishop Hilary. (See below, p. 58.)

^b This is a proper name. "Comitissa," the Jewess of Cambridge, and her sons, and the Jews of Lincoln, accounted in the Exchequer for seven marks of gold, the fine which had been imposed upon them on account of the "Jewess of Lincoln," whom the son of Comitissa had married without the King's license. They had paid twenty-four pounds into the treasury as the amount of four marks of gold, and were debited with the three marks of gold which remained due, 15 Henry II. (Madox, Exch. 155.)

Part II. And when I sent my clerks to Rome, then Hakelot^a the Jew lent me ten pounds at the rate of three pence a week for the pound, which I kept seven months; and for which I rendered for usance, sixty shillings and ten pence. And after Michaelmas, when we first pleaded in the court of the Bishop of Chichester and Abbot of Westminster, then Hakelot the Jew lent me sixty shillings, at three pence a week for the pound, which I kept three months, and for which I rendered for usance, nine shillings. And at the feast of St. Martin, when we pleaded again in the court of the said judges; then Jacob, the Jew of Newport, lent me seventy shillings, at a groat a week for the pound, which I kept eight months, and for the usance whereof I rendered thirty-seven shillings and four pence. And at the same time Benedict, the Jew of London, lent me ten shillings, at two pence a week, which I kept three years, and for which I rendered for usance, twenty-six shillings. And when I carried the writ of my appeal to Winchester to the Bishop of Chichester, that it might be sealed there; then Jacob the Jew lent me an hundred shillings, at three pence a week for the pound, which I kept ten months; and for which I rendered for usance, fifty shillings. And when I sent my clerks again to the Apostolical Court, then I borrowed four pounds from Hakelot the Jew, at three pence a week for the pound, which I kept six months; and for which I rendered for usance, twenty-four shillings. And when I went to my plea at Windsor; then Dieu-la-Cresse the Jew lent me forty shillings, at the rate of three pence a week for the pound, which I kept four months, and for which I rendered for usance eight shillings. And in the same journey to Windsor, because my money fell short, I borrowed half a mark from Bruno^b the Jew, at three halfpence a week, which I kept ten weeks, and for which I paid for usance fifteen pence. And in the same journey when I was at Reading, Hakelot the Jew, whom I found there, lent me thirty shillings, at three pence a week for the pound, which I

^a Probably Hakeline, the son of Jurnet, the Jew of Norwich, a creditor of Johannes de Dovra, the father of Fulbert de Dovra, who obtained the enrolment of the acquittance of his debt 10 Ric. I. (Magn. Rot. 10 Ric. I.; Madox, Exch. 171.) Jurnet was fined 2000 marks on the King's transference to Normandy, 23 Hen. II.

^b This Bruno "made fine" to the King in the enormous sum of four thousand pounds, as appears by the Great Rolls, 23, 27, and 29 Hen. II. (Madox, Exch. 153.)

kept five months; and for which I rendered for usance, seven **Part II.** shillings and six pence. And when my Uncle's land was decreed to me at Woodstock, then Mirabella, the Jewess of Newport, lent me four pounds and ten shillings, at a groat a week for the pound, which I kept a year; and for which I rendered for usance, seventy-eight shillings. And when I rendered to Ralph the physician his moneys, at the first term, Hakelot the Jew lent me seven pounds, at three pence a week for the pound, which I kept a year and a half; and for which I rendered for usance, six pounds and sixteen shillings and six pence. And at the next term of payment, Comitissa of Cambridge lent me one hundred shillings, which I kept for two months, at three pence a week for the pound; and for which I rendered for usance, ten shillings. At Easter last, it was two years since I paid fifty marks of silver into the Exchequer, in part of my promise to the King, of which Hakelot the Jew lent me twenty pounds, at two pence a week for the pound: and I yet owe the principal and all the interest; and the hire hath mounted up to twenty-six marks of silver. Again, at the Easter following I paid twenty-five marks of silver into the Exchequer, of which Hakelot the Jew lent me seven pounds, at two pence a week for the pound: and for which I yet owe him the principal and all the interest; and the usance hath mounted up to sixty shillings and eight pence. Again at Michaelmas I paid into the Exchequer ten marks, of which Hakelot the Jew lent me forty shillings, at two pence a week for the pound, which I kept three months, and for which I rendered for usance, four shillings.

Part II.

I.

*De Controversia inter Episcopum Hillarium Cicestrensem et
Abbatem W. de Lucy¹.*

i. History
of the
Dispute
between
the Bishop
of Chichester
and the
Abbot of
Battle.

1148.

Hilary,
Bishop of
Chichester,
being
informed
that the
Abbey of
Battle ought
to be sub-
jected to his
jurisdiction,
attempts
to enforce
his
Episcopal
authority.

(1.) ANNO ab Incarnatione Domini *MCXLVIII*^o, regnante in Anglia *Stephano* Rege piissimo, ex clarissimo Regis *Willelmi* magni stemmate orto, anno scilicet decimo tertio regni ipsius; reverendus vir quidam *Hillarius* nomine, moribus honestis, artiumque liberalium præfulgens nitore, Ecclesiæ Sanctæ *Trinitatis Cicestriæ* Antistes præficitur; qui, cum jura et dignitates Ecclesiæ suæ undique perscrutari cepisset, a quibusdam ei intimatum est, ecclesiam Sancti *Martini*, quæ cognominatur *de Bello*, eo quod ibidem Deus Regi *Willelmo* conquisitori Angliæ de inimicis suis victoriam contulit, ejus ditioni subjacere debitam fuisse. Venerandæ ergo memoriæ vir, cum hæc accepisset, *Walterum* ejusdem loci Abbatem super hoc multotiens convenit; Abbate vero resistente, nec eidem assentiente, dissentio inter eos permaxima orta est.

[Concerning the dispute between Hilary, Bishop of Chichester
and the Abbot Walter de Lucy¹.

(1.) In the year of Our Lord's Incarnation 1148, when the throne of England was occupied by the most pious King *Stephen*, who was descended from the illustrious stock of King *William* the Great, to wit in the thirteenth year of his reign, a reverend man, *Hilary* by name, of honourable character and a scholar of surpassing brilliance, was appointed Bishop of the Church of the Holy *Trinity* at *Chichester*. Now he, when he had caused a close inspection to be made of all the rights and dignities of his Church, was informed by certain men that the Church of St. *Martin*, which bears the title of *Battle* because in that spot God had granted King *William*, the Conqueror of England, victory over his enemies, ought rightfully to be subjected to his jurisdiction. Therefore this man of venerable memory, on receiving this information, summoned *Walter*, the Abbot of that place, on several occasions to come to him on this matter; but because the Abbot withstood him and refused to comply with his orders, a very serious dispute arose between them.

(2.) Modus autem dissensionis hujusmodi erat. Episcopus **Part II.**
Cicestriæ, Abbatem de *Bello* ad sinodum suum apud *Cicestriam* Abbot Walter cited to a synod at Chichester.
 ire, et omnia episcopalia secundum canones persolvere coge-
 bat. Hospitali etiam in eâdem abbatiâ et in maneriis ejusdem, aucto-
 ritate episcopali, et quasi ex consuetudine affectabat: Abbatem Bishop Hilary attempts to visit the Abbey in his episcopal capacity.
 vero et abbatiam, hospitando atque pro libitu disponendo, suo
 juri subdere anhelabat; hinc etiam hac utebatur auctoritate
 dicendo, Abbatem de *Bello* electum, in ecclesiâ *Cicestrensi* cum
 professione canonicâ benedictionem suam ecclesiastico more
 consequi debere, indeque illum sibi et suæ ecclesiæ omnino sub-
 jectum fore. Abbas vero, e contrario, non superbiæ sed patientiæ
 et humilitatis utens exemplis, nunc vivâ voce, nunc missis *Cices-*
triam nuntiis, libertatem et dignitatem suæ ecclesiæ opponebat;
 dicens Regem *Willelmum*, quem Divina Providentia advexit Abbot pleads the exemption granted by the Charters of the Conqueror,
 in *Angliam*, ut jus sibi debitum acquireret, in procinctu belli,
 eodem in loco, cum favore omnium secum comitantium, votum
 fecisse, locum scilicet illum Domino Christo dare, tam liberum
 quam posset acquirere; clementiâque favente divinâ, victoriam

(2.) Moreover the nature of their dispute was as follows.
 The Bishop of *Chichester* sought to constrain the Abbot of *Battle* to
 repair to his synod at *Chichester* and to render to him all due service
 according to the canons. He also claimed the right to exact hospitality
 in this Abbey and in its manors, by virtue of his episcopal authority
 and (as it were) in accordance with the usual practice; for he was
 keenly bent upon subjecting the Abbot and the Abbey to his
 jurisdiction by exacting hospitality and by arranging matters at
 his own pleasure; in addition he took advantage of this authority
 to say that the Abbot-elect of *Battle* ought, in accordance with
 the usual practice of the Church, to obtain his blessing in the
 Cathedral of *Chichester* after making his canonical profession of
 obedience, and thereafter be completely subject to him and to
 his church. But the Abbot, on the other hand, not acting in any
 spirit of pride but rather of patience and humility, on one occasion
 in his own person and on another by means of messages despatched
 to *Chichester*, pleaded the liberty and dignity of his church, alleging
 that King *William*, whom Divine Providence had brought to
England to obtain what was his by right, had made a vow in
 the neighbourhood of the battle, in fact in that very place, a vow
 which met with the approval of all his followers, to give that place
 to the Lord Christ as free as he could possibly acquire it; and that,
 because he had obtained victory through the favour and mercy of

Part II. adeptum, votumque solventem, ecclesiam ibidem in honorem Dei et Beati *Martini* construxisse, pro salute omnium, et maxime omnium ibi interfectorum, ita liberam et quietam ab omni exactione terrenæ servitutis, et ab omni subjectione et oppressione atque dominatione episcoporum, sicut est ecclesia *Christi Cantuariæ*. Hoc etiam consilio et testimonio *Lanfranci* Archiepiscopi Cantuariæ et *Stigandi Cicestræ* episcopi aliorumque multorum, scriptis suis confirmasse: *Stigandum* necnon, *Cicestræ* episcopum præsentem, *Gausberto* primo ejusdem loci abbati et monachis suis in quantum sui juris erat, hoc eodem modo litteris suis corroborasse. Et ex tunc ad noticiam omnium transisse, ecclesiam Sancti *Martini* de Bello ab omni subjectione Episcopi *Cicestrensis* omnino liberam fuisse.

alleging
that the
exemption
had been
confirmed
by
Lanfranc,
Archbishop
of Canter-
bury, and
Stigand,
Bishop of
Chichester.

(3.) Hac igitur ratione tanti viri calumpniis Abbas obvians, flagitabat obnixe, quatenus libertatem quam ecclesia prædicta tantorum virorum auctoritate hactenus videbatur possedissee, inviolabili illibatoque jure tenere licitum foret. Præsul vero, his minime adquiescens, crebras Abbati simultates ingerebat:

Heaven, in performance of his vow, he had built in that place a church to the glory of God and of the Blessed St. *Martin*, for the salvation of all souls and particularly of those men who had been slain there, free and exempt from all exaction of earthly service and from all subjection, oppression and domination of bishops, even as the Church of *Christ* at *Canterbury*. Further that he confirmed this exemption by his charters, with *Lanfranc*, Archbishop of Canterbury and *Stigand*, Bishop of *Chichester* and many others acting in the capacity of advisers and witnesses. Moreover that *Stigand*, the Bishop of *Chichester* at that time, had in the same manner confirmed the same by means of his letters to *Gausbert* the first abbot of that place and to his monks, as far as it was in his competence. And that from that time forward it had been clearly noted by everyone that the Church of St. *Martin* of *Battle* had been entirely free from any subjection to the Bishop of *Chichester*.

(3.) The Abbot therefore, meeting the claims of so great a man with arguments such as these, persistently contended that the aforesaid Church should be allowed to hold, with inviolable and undiminished right, the liberty which on the evidence of such distinguished men it was shown to have hitherto possessed. But the Bishop, far from assenting to this contention, continued to direct
* his animosity against the Abbot; by threatening that, if he did not

interminando quod, nisi sinodum peteret, interdictum post unius anni curriculum in sinodo sollempni, auctoritate canonicâ, vinculo illum anathematis constringeret. Favebat autem illi tunc *Romanæ* pastor ecclesiæ *Eugenius*, necnon et venerabilis *Teodbaldus*, *Cantuarie* Archiepiscopus et multi alii, quorum fretus auctoritate, Abbatem et ecclesiam de *Bello* sibi et suæ ecclesiæ penitus subjugare sperabat. Verum spe consilioque deceptus inani, rem effectui mancipare non potuit, quia spes in dubio posita plurimos nonnunquam fefellit.

Part II.
The Bishop threatens to put him under an interdict,

(4.) Quodam igitur prædicti *Stephani* piissimi Principis tempore, sinodum apud *Cicestriam* adire Abbas summonitus, nec veniens, interdictus est ab Episcopo: eo tamen tenore, quod si infra quadraginta dierum spatium satisfactorius non veniret, ab officio suo suspensus cessaret; quod Abbas audiens, curiam apud Sanctum Albanum adiit propere, atque hæc regiæ intulit aulæ. Rex itaque, accersito quodam clericorum suorum, *Roberto de Cornuvilla* nomine, misit ad Episcopum, mandans et præcipiens quatenus ecclesiam Sancti *Martini de Bello*, sicut dominicam

and carries his threat into effect by pronouncing sentence of suspension, unless the Abbot should obey within forty days.

repair to the synod, he would place him under an interdict, and after the term of one year would bind him with the chain of excommunication in solemn synod, by virtue of his canonical authority. For *Eugenius*, who was at that time Pope of the *Roman* Church and also the Venerable *Theobald*, Archbishop of *Canterbury*, and many others, favoured his suit, and he, placing great reliance on their support, hoped to make the Abbot and the church of *Battle* entirely subject to him and to his church. But disappointed as he was in his hopes and plans, he could not bring the matter to a successful issue, for hope when founded on a doubtful issue not infrequently disappoints very many.

(4.) Therefore in the time of the aforesaid most pious Prince *Stephen*, the Abbot was summoned to the synod at *Chichester*, and when he failed to put in an appearance he was placed under an interdict by the Bishop, with this corollary, however, that if he did not come and give a satisfactory explanation within the term of forty days, he would be suspended from his office. On receipt of this news the Abbot with all despatch repaired to St. Albans and brought the matter before the royal court. The King therefore, having summoned one of his clerks, *Robert of Corneville* by name, sent him to the Bishop with orders and injunctions that he should allow the church of St. *Martin of Battle*, as the King's private chapel

Part II. Regis capellam et regiam coronam, ab omni exactione et oppres-
sione liberam et quietam, Christo Domino pacifice sineret
deservire: terminum etiam ei præfixit quatenus die *octavarum*
Sancti Andrææ, ipse et Abbas *Lundoniam* venirent; ut ibi
dissensionem eorumdem coram se, Episcopis et Baronibus suis
præsentibus, finem imponeret.

The Abbot
appeals to
King
Stephen,
who re-
quires both
parties to
appear
before him,
in order
that he may
put an end
to such
dissensions,
in the
presence of
his Bishops
and Barons.

The
Charters
are read
before King
Stephen,
who declares
the Church
of Battle
free from
the jurisdic-
tion of the
Ordinary.

(5.) Die constitutâ, uterque affuit, multis igitur causis ibidem
discussis, Abbas Regi presentiam suam exhibuit: paratus, si quis
eidem quicquam obicere vellet, justa rationis æquitate, pro liber-
tate ecclesiæ suæ resistere. Episcopus vero, nonnullis ibidem
detentus negotiis, coram Rege die eadem venire distulit. Lectis
igitur coram Rege cartis et munitionibus de hac eadem re,
a rege *Willelmo* magno subscriptis, Rex altiori usus consilio
præcepit ecclesiam *Sancti Martini de Bello* ab omni subjectione
et exactione *Cicestrensis* Episcopi, secundum Regis *Willelmi* et
aliorum regum prædecessorum suorum cartas, liberam omnino
existere. In crastinum licentiâ a Rege Abbas acceptâ domum
rediit, Rege eidem pronunciante se ecclesiæ de Bello sicut

and his royal crown, to serve Christ the Lord in peace free and quit
of all exaction and oppression. Moreover he appointed a fixed date
for both the Abbot and himself to come to *London*, to wit on the
day of the *octave of St. Andrew*, so that he might put an end to the
dispute which existed between them in person and in the presence
of his Bishops and Barons.

(5.) On the appointed day both parties appeared and, after many
cases had been heard in the same place, the Abbot made known his
presence to the King, being quite ready, should anyone have any
allegations to make against him, to present a firm defence by just
and reasonable argument on behalf of the liberty of his church. But
the Bishop, because he was detained in *London* on some other business,
postponed his appearance before the King on the same day. When
therefore the charters and corroborations relating to this matter,
which bore the signature of King *William* the Great, had been
read before the King, he, after taking the advice of his leading
counsellors, ordered that the church of *St. Martin of Battle* should
remain entirely free from all subjection and exaction at the hands
of the Bishop of *Chichester*, in accordance with the charters of King
William and the other Kings his predecessors. On the morrow the
Abbot obtained permission from the King and departed home, the
King declaring to him that he would be the protector and defender

dominicæ suæ capellæ et coronæ regiæ, in omnibus, justa defen- Part II.
sione, protectorem fore.

(6.) Haud longo postmodum tempore, anno scilicet Incar- 1154.
nationis Dominicæ *MCLIII, viii. Kalend. Novembris*, eodem piissimo
rege *Stephano* ex hac luce subtracto, et in Ecclesia, quam ipse
in honorem Sancti Salvatoris mundi a fundamentis construxerat,
apud *Fevresham* tumulato, Episcopus tempus ut sibi videbatur
opportunum nactus, quo suam ad libitum prosequeretur causam, Death of
prædictum Abbatem *Cicestriam* ire summonitum, nec venientem, Stephen, 25
in sinodo sollempni excommunicavit. Quod quidam de *Ieroso- Oct. 1154.*
lymitanis fratribus, de *Templo* scilicet, ibidem existens, cum
accepisset, *Lundoniam* festinanter tetendit; ubi tunc temporis
Abbas prædictus, præcepto venerabilis *Cantuariæ* Archiepiscopi
Teodaldi, cum quodam fratre suo ex nobilibus Angliæ, *Ricardo*
de *Luci* nomine, adventum *Henrici, Normannorum Ducis, Regis*
futuri, expectans, morabatur, atque hoc ejusdem *Ricardi* auribus
pandit. Quo audito, *Ricardus* cum prædicto Abbate fratre suo
locutus, hæc ut erant Archiepiscopo referre non distulit: com-
municato itaque consilio, misit idem venerabilis Pater quendam

Bishop
Hilary
immedi-
ately
excommu-
nicates the
Abbot,

who is
then at
London
with his
brother,
Richard
de Lucy,
awaiting
the arrival
of Henry
Planta-
genet.

of the church of Battle in all matters as justice demanded, as
though it were his private chapel and his royal crown.

(6.) Not long afterwards, to wit in the year of Our Lord's
Incarnation, 1154, on the *25th day of October* when this same most
pious King *Stephen* was removed from this life and was buried at
Faversham, in the Church which he himself had built from its founda-
tions, to the honour of the Holy Saviour of the world, the Bishop,
having obtained, as he thought, a favourable opportunity for the
prosecution of his cause at his convenience, summoned the aforesaid
abbot to *Chichester* and when he failed to put in an appearance
excommunicated him in solemn synod. When one of the brethren
of *Jerusalem*, that is to say of the *Templars*, who was then in that
town, heard this, he hastened with all speed to *London*, where at
that time the aforesaid Abbot, by command of the venerable *Theobald*,
Archbishop of *Canterbury*, was staying with one of his brothers, who
was an English nobleman, named *Richard de Luci*, awaiting the
arrival of *Henry, Duke of Normandy*, the future king, and poured
the whole story into the ears of this *Richard*. When he had heard
it, *Richard*, after a conversation with his brother the Abbot, did not
delay to refer the matter as it stood to the Archbishop. On receipt
of this information, the said venerable Father sent one of his clergy,

Part II. ex clericis suis, *Salomonem* nomine, ad Episcopum; mandans ei quod, Abbate secum detento, Domini sui futuri *Henrici Ducis Londoniæ* expectabat adventum. Unde mandando volebat, quantum sententiam quam super Abbatem posuerat, relaxaret donec in unum convenirent: Antistes vero *Cicestrensis*, domini sui legati annuens voluntati, sententiam relaxavit.

1154, Dec. 19—
Hen. II.
crowned at
West-
minster.

(7.) Adveniente itaque Domino nostro, *Henrico* Duce, atque apud *Westmonasterium* anno incarnationis dominicæ eodem *xiii* Kal. *Januarii* in Regem elevato, et a venerabili *Teodbaldo Cantuariæ* Archiepiscopo et totius Angliæ primate, necnon et Apostolicæ sedis Legato, ibidem coronato, totius Angliæ primoribus ad eum confluentibus, juste consilio eorum omnia disponebat. Ecclesiis etiam possessiones et dignitates, ab antecessoribus suis concessas, suâ auctoritate confirmavit: et in sequente *Quadragesima* congregavit generale concilium apud *Lundoniam*, et renovavit pacem et leges et consuetudines per Angliam ab antiquis temporibus constitutas. Ibi quoque nonnulli ex Episcopis et Abbatibus cartas et privilegia ecclesiarum suarum præsentis Regis scripto et sigillo confirmaverunt. Inter

1155, Feb.
March.—
Great
Council held,
in which
Henry
renews
"Peace"
throughout
England.

named *Salomon*, to the Bishop, stating that the Abbot had been detained by him at his side, and that he was awaiting the arrival of his future Lord Duke *Henry* at *London*. He therefore sent word that he wished him to release the Abbot from the sentence he had imposed on him, until a meeting could be arranged. Whereupon the Bishop of *Chichester* bowing to the will of his lord, the papal legate, released the sentence.

(7.) When therefore our Lord, Duke *Henry*, had arrived and had been raised to the throne at *Westminster* in that same year of Our Lord's Incarnation on the 19th day of *December* and had there been crowned by the venerable *Theobald*, Archbishop of *Canterbury*, Primate of all England and Legate of the Apostolic See, and when the magnates of the whole of *England* had flocked together to greet him, he, acting on their counsel, made a general settlement in a just manner. He confirmed with his own authority to the churches the possessions and dignities which had been granted to them by his predecessors, and in the following *Lent* he summoned a general council at *London* and renewed the peace, laws and customs which had been established throughout England from ancient times. There also some of the Bishops and Abbots obtained confirmation of the charters and privileges of their churches under the writing and seal of the reigning King; among others, the Abbot of *Battle* aforesaid produced

quos, prædictus Abbas de *Bello*, Regis *Willelmi* et aliorum Regum cartis et scriptis per ordinem ostensis, ut in scripto et sigillo ejusdem Principis confirmarentur, obtinuit. Quod Episcopus *Cicestrensis* cum accepisset, citato gradu Archiepiscopum adiit, eique Abbatem de *Bello* cartas contra dignitates *Cantuariæ* ecclesiæ, et suæ etiam ecclesiæ *Cicestrensis* scilicet possedissee, et ut in præsentis Regis sigillo confirmarentur obtinuisse intimavit; obsecrare igitur ut hoc communi prohiberent sententiâ, ne alii per *Angliam* Abbates, quasi quoddam privilegium hoc contra Episcopos suos sibi vindicarent, si prædictus Abbas contra illos prevaluisse videretur. His Archiepiscopus auditis, nimiumque credulus effectus, sponsione affirmavit certissimâ, se nunquam hiis suum præbere assensum, quo aliquo hæc pro voto Abbatis fine terminari potuissent.

Various Abbots and others obtain confirmations of their Charters.

Bishop Hilary applies to the Archbishop of Canterbury to prevent the confirmation of the Battle Charters.

(8.) Factum est autem in crastinum, Rege et Archiepiscopo in unum convenientibus, Archiepiscopus super his sermonem intulit, dicens: Regem pati non debere *Cantuariensem* ecclesiam, matrem videlicet totius *Angliæ*, et per quam idem Rex diademate insignitus fuisset, necnon et *Cicestriæ* Ecclesiam ejusdem videlicet

The Archbishop protests accordingly against the confirmation of the privileges of Battle Abbey, as

the charters and writings of King *William* and of other Kings in order and obtained confirmation for them under the hand and seal of this same Prince. When the Bishop of *Chichester* heard news of this, he approached the Archbishop with all speed and told him that the Abbot of *Battle* was in possession of charters which were prejudicial to the dignities of the church of *Canterbury* and of his own church of *Chichester* and that the Abbot had obtained confirmation for them under the seal of the reigning king. He therefore entreated that they should make united protest against this transaction to prevent other Abbots throughout *England* from claiming this confirmation as a sort of special right against their Bishops, as they would if the aforesaid Abbot evidently got the better of them. On hearing these words the Archbishop, who believed them far too implicitly, gave a most solemn assurance that he never, for any prayer the Abbot might make to him, would give his consent to these transactions, so that they could be brought to a successful issue.

(8.) Moreover, it happened on the morrow that the King and the Archbishop met together and the Archbishop made mention of the matter, saying that the King ought not to allow that the church of *Canterbury*, seeing that it was the Mother Church of the whole of *England* and that the King himself had been crowned with the diadem

Part II. suffraganeam, libertates et dignitates ab antiquis temporibus possessas, pro ecclesia de *Bello* non tantæ auctoritatis et dignitatis annullari. Acceperat namque Abbatem illius loci cartas contra dignitates et libertates ecclesiarum prædictarum possedis-
prejudicial to the rights of his Church, in consequence whereof the King directs the Chancellor to stay the sealing of the Charter.
se; flagitare itaque ut hæc regali omnino adnullaret auctoritate, aut carta Abbatis regio careret sigillo, donec, suo correctæ consilio, ecclesia *Cantuariæ* necnon et *Cicestriæ* jus suum non amisisse gauderent. Rex igitur tanti viri, utpote sui patris spiritualis, et a quo diademate regali haud longe ante fuerat insignitus, annuens voluntati, Cancellario accito regio, prohibuit cartam Abbatis de *Bello* regali sigillo confirmari. Quid multa? per vulgi ora dispersa Abbatis auribus hæc propere fama intulit. Redeunte itaque luce, Abbas curiam adiit: sed, Rege venatum eunte, nil die eadem proficiens, ad hospitium suum reversus est.

(9.) Sequenti luce, summo mané, Abbas iterum *Westmonasterium* petiit: ibique coram altare quo Rex missam erat auditurus opperiens, multis mente modis volvebat, quid super hæc

by her offices, or the church of *Chichester*, seeing that it was a suffragan of this same church, or their liberties and dignities which they had possessed from time immemorial, should be set at nought in consideration for the church of *Battle*—a church of less authority and dignity. For he had heard that the Abbot of that place was in possession of charters prejudicial to the dignities and liberties of the aforesaid churches. He asked the King therefore to annul completely these pretensions by his royal authority or that the charter of the Abbot should not receive the King's seal until it had been modified by his advice and the church of *Canterbury* and that of *Chichester* as well should hear with joy that they had not lost their due right. The King, therefore, yielding to the will of so great a man as to one who was his own spiritual father, who but a short time before had with his own hands crowned him with the royal diadem, sent for the royal Chancellor and forbade him to confirm the charter of the Abbot of *Battle* with the King's seal. Need I say more? News of this flying from mouth to mouth among the people quickly reached the ears of the Abbot. And so early the next day the Abbot proceeded to court, but not being able to do anything on that day because the King was going a hunting, he returned to his lodging.

(9.) On the following day, very early in the morning, the Abbot again proceeded to *Westminster* and there waiting in front of the altar at which the King was to hear mass turned over in his mind

re facturus esset. Adveniente Rege ut missam audiret, post missæ introitum Abbas Regem conveniens—"Domine—inquit, vestra præceperat excellentia cartam Ecclesiæ nostræ sigillo confirmari regio, sed quâ de causâ repulsam passa sit ignoro; jubeat igitur clementia vestra ut verbum regium fixo stet gradu, nec pro cujusquam invidiâ pessumdari videatur."—Accito itaque Cancellario, præcepit Rex, ut carta Abbatis sigilli sui confirmaretur impressione; necdum verba compleverat, et ecce Episcopus festinato gradu, illud ut erat mente suspicatus, accurrens, Regem tali affatur alloquio.—"Domine mi, meminisse decet clementiam vestram unde nudius tercius venerabilis *Cantuariæ* Archiepiscopus et Ego, querimoniam coram vobis deposuimus de Abbate, scilicet de *Bello*, qui contra dignitates nostrarum ecclesiarum cartas quærit; ut quæ hactenus jure canonico videntur possedisse, ejus calliditate prevalente, lugeant se amisisse. Prohibeat itaque regia dignitas vestra, ut hoc nullatenus aliqua confirmetur auctoritate; ne alii hujusmodi exemplo contra Episcopos suos insurgere videantur."—Rex vero præcepit cartam

Part II.
The Abbot remonstrates with the King, who alters his mind, and commands that the Charter be sealed.

The Bishop now protests against the allowance of the Charter; upon which the King again orders that it shall be sealed; but at the same time directs that the Chancellor, together with the Bishop and the Abbot, shall meet before the Archbishop: if they can

many plans as to his future conduct in this matter. And when the King came to hear mass, the Abbot after the Introit approaching the King said:—"My Lord, your excellency had given commands that the charter of our Church should be confirmed with the royal seal, but for what reason it has been allowed to be rejected I know not; let therefore your clemency command that the word of the King remain firm and fast and not appear to fall to the ground through the envy of any man." The King therefore sent for the Chancellor and gave orders that the charter of the Abbot should be confirmed by the mark of his seal; nor had he finished speaking when the Bishop, who suspected that matters were so, came running up with all speed and addressed the King in the following speech:—"My Lord, it is fitting that your clemency should remember the grounds on which the venerable Archbishop of *Canterbury* and I three days ago lodged a complaint before you with reference to an Abbot, of *Battle* to wit, who is seeking to obtain charters which are prejudicial to the dignities of our churches; of such a sort as to cause them [i.e. our churches] if his craft should be successful to bemoan the loss of those privileges which up to now they appear to have possessed by canon law. Let therefore your royal dignity forbid that this undertaking should by any means be confirmed by any authority, lest others, acting on this precedent, may be found to revolt against their Bishops."—The King, however, gave orders that the charter of the Abbot should be confirmed

Part II. Abbatis regio confirmari sigillo; et deinde Episcopum et Abbatem simulque Cancellarium coram Archiepiscopo convenire, lectâque cartâ Abbatis, illis audientibus, si qua corrigenda essent, eorum consilio corrigerentur, sicque in pace cum cartâ suâ Abbas domum rediret. Quod si sententiâ discordante, discessissent, carta Abbatis in capellâ Regis a Cancellario custodiretur, donec sententiâ Regis quid inde fieret discerneret. Percantato itaque missæ canone usque ad *Pax Domini*, Episcopus, ut moris est, Pace a sacerdote accepta, Regi detulit, et deinde Abbati, multis plurimum mirantibus, porrexit.

Meeting or conference at Lambeth—the Chancellor causes the Conqueror's Charter to be read before the Archbishop, the Bishop, the Abbot, &c.

(10.) Episcopo igitur et Abbate simulque Cancellario multisque aliis coram Archiepiscopo apud *Lametham* convenientibus, lectâque cartâ magni *Willelmi* Regis, exemplo cujus omnes aliæ cartæ Regum sequentium confirmatæ sunt, ubi ventum est ad quoddam verbum quod in eâdem continetur cartâ, quod “ecclesia” scilicet “de *Bello* libera sit omnino ab omni subjectione Episcoporum sicut ecclesia *Christi Cantuariæ*,” clamor undique attollitur: quibusdam asserentibus hoc contra canonum

by his seal, and that the Bishop and the Abbot, together with the Chancellor, should then come together before the Archbishop, and after the charter had been read in their hearing, if any details were to be amended the amendments were to be made in accordance with their counsel; and so the Abbot could return home with his charter in peace. But if they separated in disagreement, the charter of the Abbot was to be kept by the Chancellor in the King's chapel, until the King should decree what ought to be done in the matter. When therefore the canon of the mass had been sung as far as the “*Pax Domini*,” the Bishop, as is the custom, having received the pax from the priest, conveyed it to the King and then, to the great amazement of many, gave it to the Abbot.

(10.) When therefore the Bishop and the Abbot with the Chancellor and many others had assembled before the Archbishop at *Lambeth* and while the charter of King *William* the Great was being read, on the precedent of which all the charters of the succeeding Kings had been confirmed, when they came to a certain expression which was contained in this charter namely:—“that the church of *Battle* should be free from all subjection to the Bishops as is the church of *Christ* at *Canterbury*,” an uproar ensued on all sides, some asserting that this was contrary to the regulations of the canons, others saying that it was prejudicial

instituta extitisse, aliis dicentibus hoc contra dignitates *Can-* Part II.
tuariensis ecclesiæ fuisse, nonnullis nimium clamantibus hoc
 verbum peremptorium esse, multis etiam hoc aliter objurgando
 interpretantibus, hinc inde confusa perstrepebat sententia.
 Cartâ perlectâ, cum neminem prædecessorum suorum Episco-
 porum præfatus *Cicestrensis* Episcopus *Hilarius* in subscriptis
 ejusdem cartæ inveniret testibus, præcellentissimam hujus verbi
 dignitatem, sacrorum canonum in perpetuum auctoritate dam-
 nandam, et præsentium simul judicum confirmatione censuit
 delendam. Hujus sententiam concors etiam archiepiscopi con-
 clamatio prosecuta est. Abbate vero quamvis rationabiliter
 resistente, non tamen illorum quievit commotio. Cancellarius
 autem audiens illos inter se discrepantes, retulit cartam Abbatis
 inde discedens in capellam Regis, eamque ibi servandam, juxta
 Regis præceptum, tradidit. Abbas vero, amicorum suorum usus
 consilio, ad propria reversus est, nil de Dei desperans auxilio.
 Episcopus lætus et hilarius effectus est; sperabat enim Abbatem
 ecclesiamque de *Bello* cartæ suæ omnino confirmatione privari;
 verum ut scriptura testatur, “homo proponit, Deus autem dis-

The Bishop demands a sentence against the Charter, because none of his predecessors had confirmed it.

The Archbishop agrees with him, and the Chancellor therefore withdraws the Charter for the purpose of depositing it in the King's chapel.

to the dignities of the church of *Canterbury*, yet others shouting that this expression was much too unqualified, many also vehemently proclaiming other interpretations. On either side there arose a perfect din of confused opinions. When the charter had been read through and the above-mentioned *Hilary*, Bishop of *Chichester*, could find none of the Bishops, his predecessors, amongst the names of the witnesses written on the charter, he expressed his opinion that that clause, which conferred a dignity that was conspicuously beyond all others, should be condemned for ever by the authority of the sacred canons and that the confirmation should be annulled by authority of the judges then present. A pronouncement on the part of the archbishop in complete agreement with this opinion immediately followed. When the Abbot made rejoinder, though it was reasonable, yet the uproar of his opponents did not subside. The Chancellor, however, hearing them thus at difference with one another, took his departure and carried the charter to the King's chapel and handed it over to be kept there according to the King's command. The Abbot, acting on the advice of his friends, returned to his own home, with his trust in God's help in no way lessened. The Bishop was happy and joyful; for he hoped the Abbot and church of *Battle* would be deprived entirely of the confirmation of their charter; but truly, as the scriptures bear witness, “Man proposes, but God disposes”;

Part II. ponit," non passus est Christus Ecclesiam suam antiquis suis et justis carere privilegiis, sed suâ proveniente misericordiâ tempore ei opportuno in melius restituit.

Hugh de Mortimer rebels against Henry II.

Henry II. besieges Mortimer in his castle of Bregge (Bridgnorth), at which time the Abbot repairs to the King, offers his dutiful gifts, and labours for the renewal of his Charter.

(11.) Eodem itaque anno, *in tempore Paschali*, quidam ex Angliæ nobilibus, *Hugo de Mortuo Mare* cognomine, vir pollens viribus sed multo maxime ingenio validus, prædives opibus, militari negotio strenuus, Regem utpote adolescentem, ejusque industriam indignationi habens, castris suis munitis, ejusdem imperiis se suaque summitti refutabat. Ea vero postquam Regi enunciata sunt, congregata militum multitudine non modica, ipsum *Hugonem* in quodam castro suo, *Bregge* nomine, obsedit, valloque et castris undique circumdedit, omnemque illi egrediendi spem omine mutato intercludit. Abbas autem tempus, ut sibi et amicis suis visum est, opportunum nactus, Regem ibi adiit, et ut in tali decet negotio muneribus suis honoravit, atque super cartâ suâ eidem sermonem intulit; acceptoque a Rege responso super hoc optimo, ad quasdam terras suas juxta regionem illam sitas, ad tempus perendinaturus secessit.

Christ did not suffer His own Church to be deprived of its ancient and due privileges, but His mercy manifesting itself, in His own good time, He restored it to better fortunes.

(11.) In that same year, *at Easter-tide*, one of the nobles of England by name, *Hugh de Mortimer*, a man of great physical strength and of still greater mental powers, exceptionally strong in resources and a doughty warrior, held the King in disdain on account of his youth and his activity, and refusing to hold himself and his possessions in submission to the King, fortified his castles to resist him. When news of this was brought to the King, he gathered together an army of considerable size and besieged *Hugh* in one of his castles, by name *Bregge* (Bridgnorth), and having surrounded it with a trench and ramparts on all sides, turned the tables on him by cutting off all hope of exit. The Abbot moreover, seizing what appeared to him and to his friends to be a good opportunity, approached the King at that place, and after showing him due respect by his gifts as is fitting in such matters, addressed him on the subject of his charter, and having received a very favourable reply from the King withdrew to certain of his lands situated near that locality, prepared to tarry there for a little while.

(12.) Haud multo postmodum tempore, Rex ipsum *Hugonem* **Part II.** ad deditionem coegit, mandans per Angliam universam Archiepiscopos, Episcopos, et Abbatum plurimos, Comites et Barones universos, *quarto die præcedente festum Sancti Benedicti estivi temporis*, ibidem convenire. Quibus congregatis, pax inter Regem et *Hugonem* facta est. Tertiâ die post pacem factam, affuit et Abbas. Consilio igitur fratris sui *Ricardi de Luci* et aliorum amicorum suorum, abbas Regem in crastinum adiit atque super cartâ suâ illum interpellatus est. Rex, cum quibusdam secreti sui consciis consilio communicato, Deo favente, et Beato *Martino* Christi confessore, qui nunquam in se sperantes deserit, auxiliante, coadjuvantibus etiam terreni consilii patronis, Comite scilicet *Cornubiæ Raginaldo*, et *Ricardo de Humez* Regis Tribuno, qui cum *Ricardo de Luci* et Abbate *Waltero* amicitiae fœdere conjuncti erant, reddidit Rex cartam prædictam Abbati, et per illum Ecclesiæ de *Bello*, quæ est signum coronæ regiæ Angliæ, eam misit, lætantibus hominibus Abbatis et Ecclesiæ de *Bello* amicis, immensoque gaudio tripudiantibus; inimicis vero eorum undique perfusis mærore et confusis. Valedicens igitur Regi

Henry II. subdues Hugh de Mortimer. Great Council or Parliament summoned to meet 7 or 8 July, 1155, in which peace is settled between them. The King, by the advice of his Privy Council, and of Reginald, Earl of Cornwall, and Richard de Humez (both friends of Richard de Lucy and his brother), restores the Charter to the Abbot.

(12.) Not long after this, the King compelled *Hugh* to surrender and issued a proclamation throughout the whole of England that the Archbishops, Bishops, most of the Abbots and all the Earls and Barons should meet together at that place *on the fourth day preceding the festival of St. Benedict in the summer time*. When they had all assembled, peace was concluded between the King and *Hugh*. On the third day after peace had been concluded, the Abbot presented himself. Acting therefore on the advice of his brother *Richard de Luci* and other of his friends, the Abbot approached the King on the next day and made enquiry of him about his charter. The King, having taken counsel with some of his privy councillors, through the favour of God and by the help of the Blessed *Martin* the confessor of Christ, who never deserts those who put their hope in him, and with the aid of certain protectors among his secular advisers, to wit *Reginald* Earl of *Cornwall* and *Richard de Humez* the King's constable, men who were joined in the bonds of friendship with *Richard de Luci* and the Abbot *Walter*, restored the above-mentioned charter to the Abbot and through him sent it to the church of *Battle*, which is the token of the royal crown of England, to the great delight of the men of the Abbot and the friends of the church of *Battle*, who exulted in joy without limit, while their enemies on all sides were covered with sorrow and confusion. The Abbot therefore

Part II. Abbas et gratias agens, a curiâ cum cartâ suâ recessit; et juxta statuta dierum itinera ad *Bellum* reversus est, ibique, cartâ coram fratribus ejusdem ecclesiæ perlectâ, exposuit eis omnia quæ sibi contigerant, gaudentibus omnibus et Deum maximo cordis affectu super hoc glorificantibus.

Council held at Westminster, Christmas 1155, after which the King sails for Normandy, Jan. 1156 (the year appears to be here reckoned from Christmas). The Abbot follows the King, and finds him at Saumur, 29 Aug. 1156, —despatches certain business with him. The Abbot becomes suspicious to certain other ecclesiastics, who imagine that he has attempted to injure them with the King; in consequence of which the Bishop of Chichester also goes to

(13.) In sequenti *Nativitatis Domini festo*, tenuit idem excellentissimus Rex concilium suum apud *Westmonasterium*, et, dispositis omnibus suis, propter quædam negotia sua, transnavigavit in *Normanniam*. In illo eodemque anno, *die Decollationis Sancti Johannis Baptistæ*, pro quibusdam causis et negotiis ecclesiæ de *Bello*, transfretavit Abbas mare, ivitque ad Regem; inveniensque illum apud *Salmurum*, locutusque cum eo, consilio Reginæ *Angliæ* et *Ricardi de Luci* fratris sui, qui cum Rege ibi aderant, omnibus pro voto rite perfectis, reversus est in *Angliam*. Hoc nonnulli ex ecclesiasticis personis *Angliæ* male acceperunt; putantes ipsum Abbatem insidiosè, quo eos exosos faceret, opera eorum fallacia Regi annuntiasse; verum hoc postmodum patuit omnibus esse falsissimum. Hac de causâ, Episcopus etiam

after taking leave of the King and tendering him his thanks, retired from court with his charter and returned to *Battle*, journeying the appointed stage each day, and there having read out the charter in the presence of his brethren of that church, he related to them all that had happened to him. And they all greatly rejoiced and glorified God with heartfelt joy because of it.

(13.) On the succeeding festival of the Nativity of Our Lord, this same most excellent King held his Council at *Westminster*, and having settled all his affairs, sailed across to *Normandy* to attend to some business of his own. In that same year, on the day of the Decollation of St. John the Baptist, the Abbot crossed the sea on account of certain matters and business connected with the church of *Battle* and went to the King whom he found at *Saumur*. After having spoken with him and having transacted his business as he desired, on the advice of the Queen of *England* and of his brother *Richard de Luci*, who were there with the King, he returned to *England*. This journey caused great annoyance to some of the clergy of *England*; for they thought that the Abbot had artfully reported to the King their crafty actions in order to make them hateful to him. This, however, was later on proved to all men to be utterly untrue. For this reason the Bishop of *Chichester* also, thinking that he would not

Cicestriæ, reputans se, ipsius Abbatis intimatione, erga Regem **Part II.**
non bene acceptum fore, necnon et pro aliis suis negotiis, circa
festum Sancti Martini hiemale transivit ad Regem, et cum eo
moratus est, donec Rex reverteretur in Angliam.

the King,
and con-
tinues with
him till
his return to
England.

(14.) *In prima ebdomada Quadragesimæ* sequentis, venerunt
duo Decani Episcopi *Cicestriæ*, *Ansgerus* scilicet *Lewensis* et
Thomas Hastingsensis, usque ad *Bellum*, adducentes secum quin-
que presbiteros; locutique cum Abbate, obtulerunt ei litteras
Domini Papæ *Adriani*, instantes ut responsum ejus super his,
festinato gradu, Archidiacono *Cicestriæ*, *Henrico*, referrent.
Abbas autem in secretiori loco, litteris inspectis et perlectis,
accito Priore ejusdem loci et fratribus nonnullis, consilioque
communicato, in omnibus secundum tenorem litterarum se
respondit obediturum, salvo honore ipsius domini Papæ et
fidelitate simul et honore Domini sui Regis Angliæ et personæ
suæ et ordinis sui, salvo etiam jure Ecclesiæ suæ. Hoc accepto,
alia eidem intulerunt, dicentes, *Johannem Cicestrensis* ecclesiæ
Decanum, et *Henricum* Archidiaconum, et *Rogerum* Thesaura-
rium ejusdem ecclesiæ, ex parte Domini Papæ mandando

The Abbot
summoned
by virtue
of a bull
or rescript
issued by
Pope
Adrian, to
appear at
Chichester
on Mid-Lent
Sunday
1157, to
hear the
Pope's
commands,
which he
obeys.

be in favour with the King because of the Abbot's report, and also
in order to transact some other business, went over to the King,
about the time of the winter festival of Saint Martin, and stayed
with him until he returned to England.

(14.) *In the first week of the following Lent* two deans of
the Bishop of *Chichester*, namely *Ansgar of Lewes* and *Thomas*
of Hastings, came to *Battle* bringing with them five priests. After
speaking with the Abbot they presented him with a letter from
the Lord Pope *Adrian*¹, bidding him give his answer to it with
all speed to *Henry*, Archdeacon of *Chichester*. Moreover the Abbot
having examined and read through this letter in greater privacy,
summoned the Prior and some of the brothers of that place and took
counsel with them. He thereupon made answer that he would act in
obedience to the purport of the letter in all things saving the honour
of his Lord the Pope, his fealty and the honour of his Lord the King of
England and of his own person and his order, and saving also the right
of his church. On receipt of this answer, these men gave him notice
further, saying that *John*, Dean of the Church of *Chichester*, and
Henry the Archdeacon and *Roger* the Treasurer of that Church, did
summon and command him on behalf of the Lord Pope, to come to

Part II. summonuisse, quatenus *Cicestriam Dominica* quæ est *Lætare Jerusalem*, conveniret, ibi auditurus precepta ipsius Domini Papæ, sicque discesserunt. Abbas vero, ut semper de Dei et Beatae Mariæ Virginis necnon et Beati *Martini* confessoris Christi confisus auxilio, cum Archiepiscopo *Cantuariæ* et quibusdam secreti sui consciis consilio communicato, die statuta *Cicestriam* venit; intransque capitulum ubi omnes congregati fuerant, assurgentibus sibi omnibus et in sede honorifice collocantibus, residentibus quoque circa se universis atque reticentibus, sic demum Abbas ora resolvit.

Opening
speech of
the Abbot.

(15.) “Nuper, Domini et fratres, quidam ex vestris ad nos “venientes, litteras Domini Papæ nobis protulerunt, summonentes etiam ex ipsius Domini Papæ auctoritate, quatenus huc, “hac die præsentī, conveniremus, ejusdem venerabilis Domini “audituri precepta. Adsumus ob reverentiam et honorem tantæ “excellentiæ Patris, in omnibus, salvo ejusdem patris honore et “fidelitate simul et honore Domini nostri Regis *Angliæ*, et “personæ nostræ, atque ordinis nostri, salvo etiam jure Ecclesiæ “nostræ, parati ejusdem parere preceptis.” His ejusdem Ecclesiæ Decanus auditis prohibuit ne aliquis ei nisi prius consilio

Chichester on *Mid-Lent Sunday*, there to hear the commands of the Lord Pope himself—and they thereupon took their departure. The Abbot, trusting as always in the help of God and the Blessed Virgin Mary and also of the Blessed *Martin* the confessor of Christ, and having taken counsel with the Archbishop of *Canterbury* and certain others in his confidence, came to *Chichester* on the appointed day. On entering the chapter house where all had assembled, every man rose to his feet and he was placed in his seat with great honour. Then finally when all around him had reseated themselves in silence, the Abbot thus began to speak.

(15.) “Lately, my Lords and brothers, certain of you came to us bringing a letter from the Lord Pope and summoning us, on the authority of the Lord Pope himself, to appear here on this present day to hear the commands of the same reverend Lord. We have come out of veneration and honour of the Father’s most worthy excellence, ready to obey his commands in all things saving the honour of our said father and of our fealty and the honour of our Lord the King of *England* and of our person and our order and saving also the right of our church.” On hearing these words the Dean (of *Chichester*) forbade anyone to make reply without first taking counsel with the others :

communicato responsum redderet; convocansque majoris aucto- **Part II.**
ritatis fratres secreto, eorumque usus consilio, rediit, et his
Abbatem verbis affatur.

(16.) "Nimirum, venerande Domine Abbas, ut se res habet, Dean of
Chichester
requires
the Abbot
to produce
the Pope's
bull.
"precepto Domini Papæ summonitus, huc advenistis: nunc
"igitur restat quatenus nobis literas Domini Papæ vobis directas
"ostendatis, ut per illas, quæ nobis præcepta sunt, ordine com-
"petenti vestræ dilectioni pandamus: eritque, ratione dictante,
"his quæ vobis earum auctoritate objecta fuerint, demisso vultu
"obedire aut supercilio erecto contraire." Abbas vero litteras The Abbot
says he has
it not with
him.
secum neque detulisse neque quemquam se super hoc convenisse
perhibebat; tunc quidam ex clericis Decano contrascriptum
litterarum obtulit, jussusque in auditu omnium perlegit.

(17.) "*Adrianus* Episcopus, Servus Servorum Dei, dilecto A transcript
of Pope
Adrian's
bull read—
requiring the
Abbot to
render
canonical
subjection to
filio *Gauterio* Abbati de *Bello*, salutem et apostolicam bene-
dictionem. Recte a suis subditis illi obedientiam denegabitur,
qui suo Prelato debitam recusat obedientiam exhibere. Pervenit
ad nos quod venerabili fratri nostro *Hilario, Cicestrensi* Episcopo,

and so having called together privately his brethren of higher
authority and having taken counsel with them, he returned and
addressed the Abbot in these words:—

(16.) "Truly, my reverend Lord Abbot, you have come here sum-
moned, as the fact is, by the order of the Lord Pope: now therefore
it remains for you to shew us the letter of our Lord Pope which has
been sent to you in order that through it we might disclose to your
eminence, in due order, those commands which have been laid upon
us, and it will remain for you, according as your reason may suggest,
to obey submissively or to oppose defiantly in regard to the matters
which by the authority of the letter are put before you." The
Abbot, however, protested that he had not brought the letter with
him and that no one had summoned him for that purpose; whereupon
one of the clerks brought forward to the Dean a copy of the Bull
and when bidden to do so read out the following, in the hearing
of all:

(17.) "*Adrian*, Bishop, servant of the servants of God, to his
beloved son, *Walter*, Abbot of *Battle*, greeting and apostolic blessing.
Rightly will disobedience be shewn by his subordinates to him who
refuses to yield due obedience to his Prelate. A report has come to
us that you do withhold the obedience due to our venerable brother,

Part II. cui professionem fecisti, debitam obedientiam subtrahas, et ipsius contradicas obedire mandatis: quod quam perniciosum sit et omni rationi contrarium, si primi hominis pœnam ad memoriam reduceres, posses de facili invenire. Ideoque per præsentia tibi scripta mandamus quatenus ei, tanquam Episcopo tuo et patri, atque commissæ sibi Ecclesiæ studeas fideliter obedire, alioquin scire te volumus quod sententiam quam in te idem frater noster propter hoc canonice promulgaverit, nos auctore Deo ratam habebimus. Data Romæ, apud Sanctum Petrum, Kal. Martii."

The Dean resumes his discourse.

(18.) Epistolâ perlectâ,—“Audistis” — inquit Decanus, — “Domine Abbas, quo ordine Dominus Papa vos hortatur, ut “prælati vestris obedientiam exhibeatis; et quam maxime huic “Ecclesiæ *Cicestriæ* et tuo Episcopo *Hilario*?—Notare namque “debet prudentiam vestram, quâ de causâ, Dominus Papa ‘tuo “Episcopo’ interposuit. A fundamentis itaque ecclesiâ de *Bello* “constructâ, primus eidem Abbas electus jussa canonum secutus “est, atque in hac sanctâ Ecclesiâ, cum professione benedictionem “suam canonice consecutus est. Deinde omnes ejus substituti,

Hilary, Bishop of *Chichester*, to whom you did make a profession of obedience, and that you do refuse to obey his orders. How disastrous and contrary to all good sense such conduct is, you will easily perceive if you recal to mind the punishment of the first man. Wherefore by this writing we do command you that you strive with all your power to render faithful obedience to him, as to your Bishop and father, and to the Church entrusted to his care; otherwise we would have you know that we shall ratify by divine authority the sentence which our same brother has canonically issued against you on this account. Given at Rome at Saint Peter’s (Church) on the 1st of *March*.”

(18.) The letter having been read through, the Dean said:— “My Lord Abbot, have you heard in what manner the Lord Pope exhorts you to shew obedience to your prelates and especially to this church of *Chichester* and your Bishop, *Hilary*? For your prudence will but rightly prompt you to note why the Lord Pope used the words ‘your Bishop.’ At the very foundation of the church of *Battle*, its first Abbot-eleet followed the commands of the canons and in this holy Church duly obtained his blessing after making his profession. And so thereafter did all those who succeeded him whose names

“quorum nomina haud in memoria habemus: cum quibus, vos **Part II.**
 “etiam, *Waltere*, quem hic residere et moderamina illius ecclesiæ
 “tenere perspicimus, idem fecisse nulli dubium est. Quia vero
 “in aliquibus prudentia vestra a via obedientiæ huic Ecclesiæ
 “professæ declinavit, postulat hæc sancta Ecclesia, et nos qui
 “hujus sanctæ ecclesiæ filii sumus, quatenus vos, ut filius, matrem
 “vestram, hanc scilicet Ecclesiam, de vobis certificetis, ut in
 “omnibus, sicut canonicum est, eidem canonicam deinceps
 “obedientiam, omni ambiguitate detersâ, exhibeatis. Revera
 “etenim, reverende Pater, ut optime novit caritas vestra, canones
 “sacri personam hujusmodi ambiguam, aut testibus legalibus
 “vel sacramentis ecclesiasticis, seu etiam scedula ejusdem corro-
 “borata sigillo, sanxerunt astringi; nempe Dominus noster
 “Episcopus *Hilarius*, suscepto hujus sanctæ matris vestræ
 “ecclesiæ regimine, juxta canonum instituta, vos cum quadam
 “parochiæ suæ persona alia, semel iterumque et tercio, sinodum
 “adire apud *Cicestriam* summonitos, nec venientes, interdixit:
 “verum persona alia supplici voce veniam petens obtinuit; vobis
 “vero, in sententiâ permanente, post unius anni curriculum, in
 “sinodo sancta, vinculum anathematis impositum est, quo vos
 “etiam usque in hodiernum astrictum tenemus. Quamobrem

we no longer remember; that you too, *Walter*, whom we see seated here and holding the management of that church, did so in like manner no one doubts. Because therefore your prudence has in some matters strayed from the path of obedience which you professed to owe to this Church, this holy Church demands and we, who are the sons of that holy Church, demand, that you, as a son to his mother, to wit, this Church, should certify on your own behalf that you will, in all matters, as it is ordained by the canon, henceforth shew to it canonical obedience, without any equivocation. For indeed, Reverend Father, the holy canons, as you, dear Abbot, know quite well, have enacted that a person who indulges in equivocation of this kind should be bound either by legal witnesses or by ecclesiastical oaths or even by a schedule, ratified by his seal. Of a truth did our Lord Bishop *Hilary*, when he undertook the direction of your holy mother, this church, according to canon law, summon you and a certain other person of his diocese, once, twice, and a third time, to come to the synod at *Chichester*, and when you did not come, interdicted you: but that other person begged humbly for pardon and obtained it. But when you persisted in your attitude, the bond of excommunication was placed on you, after the course of one year, in holy synod, and with this bond we hold you

Part II. "hæc sancta Ecclesia, vobis ut filio condolens, postulat, ut, his
 "nunc relictis, nobis fratribus vestris scilicet audientibus, quæ
 "sibi jure debetis, profiteri non differatis. Et quia ut superius
 "protulimus, uno ex tribus vinculo persona ambigua more
 "ecclesiastico est astringenda, ob honorem et dignitatem Ecclesiæ
 "et personæ vestræ, providimus excellentissimum esse et con-
 "gruum, quatenus scedulam parvissimam vestræ professionis
 "modum continentem, sub quadam renovatione Ecclesiæ huic
 "et nobis perscribatis, et sigilli vestri impressione sub quorundam
 "testimonio confirmetis; quo, omni deinceps ambiguitate deterasa,
 "Ecclesia præsens ut filium vos diligendo foveat, et in omnibus
 "consilium et auxilium præbeat: sic itaque, pace communicata,
 "gremio sanctæ ecclesiæ restitutus, hilari cordis affectu redeatis
 "ad propria. Nos vero, in his quibus vestra fraternitas erga
 "venerabilem dominum nostrum Episcopum *Hilarium* deliquisse
 "cognoscitur, mediatores interpositi, indignationem illius erga
 "vos et iram, pace conjunctâ, Dei annuente gratiâ, sedabimus.
 "Provideat igitur dilectio vestra, quatenus tam magnæ auctori-
 "tatis atque nobilitatis persona perfectarum scientiarum utatur

Requires
the Abbot
to write
and seal a
very little
"schedule"
or instru-
ment con-
taining his
profession of
obedience.

bound even up to this day. Wherefore this holy Church, grieving for you as for a son, demands that you now abandon this attitude and do not delay further to make to us who hear you, as to your own brothers, those professions which you rightly ought to make. And because, as we have stated above, a person who equivocates, according to the custom of the Church, must be bound with one of three bonds, for the honour and dignity of the Church and of yourself, we have determined that it would be most desirable and fitting that you should write for this Church and for us a little schedule containing the exact manner of your profession in the form of a renewal, and that you should ratify it with the impression of your seal upon the witness of certain men; so that all equivocation being henceforth put away this Church may cherish you by loving you as a son, and offer you help and counsel in all matters: so that therefore when peace has been established between us you may return home, restored to the bosom of holy Church, with joy in your heart. We indeed, as mediators in these matters, wherein you, our brother, are found to have failed towards our reverend lord, Bishop *Hilary*, will by the grace of Heaven appease his resentment and anger against you when once peace has been established. Let therefore your Grace see to it that a person of your great power and nobility shall make use of the counsel of perfect knowledge, and answer us

“consilio, nobisque modesto super his atque accepto sermone **Part II.**
 “respondeat; neque in dubio sit, quin eloquiis dulcissimis a
 “vobis propalatis humilitas nostra benigne faveat, ampullosis
 “vero et sesquipedalibus viriliter contradicat, quamvis ingenuam
 “vestri generis magnanimitatem non superbiæ tipo extolli sed
 “patientiæ atque rationis virtute sciamus devinci.”

(19.) His itaque hujuscemodi sermonibus a Decano habitis, The Abbot's rejoinder.
 omnibus hoc justum fore atque his se favere acclamantibus,
 tandem, silentio imposito, Abbas hoc modo et hac ratione
 responsionem objectis subintulit.—“Orationis vestræ, patres
 “dilectissimi, oppositam propositionem dulci sermone prolata
 “in secreto cordis mei perpendens cubili, magnificæ libertatis
 “famosique nominis ecclesiæ de *Bello* occurrit excellentia,
 “animumque per diversa nutantem nimium perturbat horum
 “imprudencia. Namque vobis, ut patribus et fratribus dulcis-
 “simis, affatu digno respondere paravi et omnimodis vestræ
 “satisfacere caritati. Si de primo ejusdem loci Abbate
 “*Gausberto* nomine agere voluerit dilectio vestra, haud incognitum

on these matters in moderate and approved speech; and doubt not
 that in our humility we will extend a kindly favour, if you express
 yourself in agreeable terms, but that we will make a vigorous
 rejoinder to swelling and stilted language; though we know that
 the greatness of soul which is innate in men of your kind is not
 uplifted by any swelling of pride but is rather to be overcome by
 the power of patience and reason.”

(19.) When therefore words of this kind had been spoken by the
 Dean, and all those present shouted that his proposals were just
 and that they favoured them, at length, when silence had been restored,
 the Abbot with these words and with this argument made answer
 to their proposals:—“Beloved fathers, when I weigh in the secret
 chamber of my heart the proposals which you have with such pleasant
 words advanced in your speech in opposition to my plea, the
 excellence of the church of *Battle*, its glorious freedom and renowned
 name steals across my thoughts and the inadvertence of these remarks
 of yours alarms somewhat my mind which has been trembling in the
 balance of conflicting opinions. For I have made preparation to
 answer you in speech worthy of the occasion, as to very dear fathers
 and brothers, and to give satisfaction in every possible way to your
 love and esteem.... If your grace had been willing to name in your
 discussion *Gausbert*, the first Abbot of this place, it is not unknown to us

Part II. "habemus eundem in eadem Ecclesia de *Bello*, auctoritate et "dignitate regia, simulque *Lanfranci*, *Cantuariensis* Archi- "episcopi, assensu, a *Stigando* hujus Ecclesiæ tunc antistite, "benedictionem suam absque professione consecutum. *Henricus* "ejus substitutus et alii successores ejus, prædecessores mei, si "quid contra libertatem et dignitatem ejusdem Ecclesiæ, ac "justum foret, egisse probantur, nihil mea interest. Ego vero, "minimus omnium, nil contra jura et dignitates Ecclesiæ nostræ, "sed salvo jure ejusdem Ecclesiæ et dignitate, omnia peregissem "me recolo....Vinculo anathematis me constrictum a venerabili "Episcopo vestro asseritis. Hoc itaque nec per Episcopum "vestrum neque per aliquem alium mihi hucusque insinuatam "esse probatur. Quod si hoc veritati innititur, miror prudentiam "tantæ discretionis viri, miror etiam in hoc sententiam ejusdem "tam præcipitem; cùm nil contra prædictarum statuta ecclesias- "ticarum me egisse a quoquam probari possibile sit."... Nullo igitur ex assistentibus rationem contra reddente, sed omnibus simul reclamantibus, Abbas orationem suam prosequitur.—

that this same man in the same Church of *Battle*, with the authority and sanction of the Crown, and, at the same time, with the assent of *Lanfranc*, Archbishop of *Canterbury*, did receive his blessing from *Stigand*, at that time Bishop of this Church, without making to him any profession of allegiance. If *Henry* his immediate successor and all his later successors, my own predecessors, are proved to have done anything contrary to the freedom and dignity of this Church (and proof ought to be offered), it has nothing to do with me. I, however, who am the least of them all cannot remember having done anything contrary to the rights and dignities of our Church but rather that I have done everything to preserve the rights and honour of that Church....You assert that I have been subjected to the bonds of excommunication by your reverend Bishop. There is no proof that this excommunication was made clearly known to me, until now, either by your Bishop or any other person. But if this is supported by truth, I marvel at the foresight of a man of such great discretion, also do I marvel that the decision of the same man should have been so precipitate in this matter, seeing that no one can possibly prove that I have done anything contrary to the statutes of the churches mentioned above."—When none of those present gave any reasonable answer to this, but all protested at the top of their voices, the Abbot continued his speech—"You require that we should draw up a schedule, but it is not shown that this

“Scedulam quam nobis perscribendam exigitis, neque Domini **Part II.**
 “Papæ litteris hoc nobis designatum constat; nec ratio nobis
 “aliqua, ut perscribatur, occurrit: quia vero, ratione dictante
 “paceque dilectionis vestræ omnia concludi vellem, rogo quatenus Prays an
 adjourn-
 ment, until
 he can
 consult with
 the King.
 “induciæ nobis dentur, quo Dominum nostrum Regem, in trans-
 “marinis constitutum partibus, cujus capella dominica et signum
 “coronæ regiæ Ecclesia nostra esse dignoscitur, adire possimus;
 “ejus præceptum super hoc audituri, simulque consilio ipsius
 “episcopi *Hilarii*, cui dominus Papa, non vobis, ut debitam
 “exhibeamus obedientiam præcepit, uti liceat ut omnia sano
 “consilio compleantur; neque enim ea quæ vobis et Ecclesiæ
 “huic a nobis persolvi debentur pessumdari cupio, nec nostram
 “ex libera ancillam effici præopto. Dominus etiam Rex, ne
 “super his absque ejusdem permissione quicquam ausu temerario
 “aggredi tentaremus, prohibere curavit.”

(20.) Omnibus igitur inducias dare abnudentibus, quibusdam His prayer
 for an ad-
 journment is
 rejected by
 the Court ;
 vero asserentibus Dominum Regem, quatenus Ecclesia de *Bello*
Cicestrensi Ecclesiæ jus debitum persolveret illis audientibus
 præcepisse, et ideo inducias dari minime debere, res diutius

was so written in the letter of the Lord Pope ; nor does any reason occur to us why it should be drawn up ; wherefore because I should like the whole matter to be concluded in accordance with the dictates of reason and with due deference to your love for us, I ask that an adjournment be granted us so that we can approach our Lord the King who is sojourning in foreign parts, and whose royal chapel and the token of the kingly crown our Church is clearly seen to be ; and then we shall hear his command in this matter and at the same time the counsel of Bishop *Hilary* himself, to whom, and not to you, the Lord Pope gave instructions that we should shew due obedience ; so that everything may be settled in accordance with sound advice. For I do not wish that all those duties which we are in duty bound to perform towards you and this Church should be brought to nought, nor especially do I wish that our Church should be made a bondmaid instead of a free Church. Our Lord the King has also given strict instructions that we should not attempt to take any rash steps in this matter without his permission.”

(20.) When therefore the whole meeting refused to grant an adjournment, some indeed asserting that the Lord the King had given orders in their hearing that the Church of *Battle* should perform the right due to the Church of *Chichester* and that on that

Part II. protracta fine potiri nequivit. Abbas vero, in hoc ut sibi inducias darent, quo Regem super illud conveniret perstitit; simulque commemorabat se de his absque consilio et licentiâ fratrum suorum monachorum de *Bello* quicquam minime acturum fore. Dicebat enim se mortalem esse et moriturum, Ecclesiam vero de *Bello*, se defuncto, permansuram: ideoque absque ejusdem consilio et licentiâ, se nil acturum, inducias dari fore necessarium. Illis autem multis modis contradicentibus, multisque sententiis hoc etiam dijudicantibus; Abbate in sententiâ induciarum dandarum persistente, Decanus silentio imposito Abbatem ita convenit — “Domine” — inquit — “Abbas, congregatio hæc
 “scedulam vobis propter ambiguitatem superius vobis indictam
 “perscribi et in ecclesia hac in memoriam conservandam exigit;
 “quo, omni deinceps ambiguitate detersa, huic sanctæ ecclesiæ
 “quæ jure a vestra fraternitate et a successoribus vestris
 “debentur, impendantur. Nos itaque ecclesia sumus, Episcopo
 “decedente permanebimus, et hac de causa hoc a vobis
 “exigimus.”

and the
Dean again
requires
him to
execute the
instrument.

account an adjournment should by no means be granted, the matter, though discussed at length, failed to come to any termination. The Abbot indeed persisted in his opinion that an adjournment should be granted, so that the King might be approached on the point; at the same time he assured them that he would do absolutely nothing in the matter without the advice and consent of his own brothers, the monks of *Battle*. For he said that he was mortal and would die, but that the Church of *Battle* would endure after his death; wherefore seeing that he would do nothing without the advice and consent of the monks, an adjournment must of necessity be granted. When, however, they raised all sorts of objections and with a multitude of opinions sought to decide the matter, while the Abbot on the other hand persisted in his opinion that an adjournment should be granted, the Dean called for silence and thus addressed the Abbot:—“My Lord Abbot, this meeting decides that a schedule should be drawn up by you to avoid the equivocation previously mentioned to you and that it should be kept in this church as a memorial, so that all equivocation henceforth having been removed, all those dues which your brotherhood and your successors rightly owe to this holy Church should be paid. We are the Church; for when the Bishop dies, we shall remain, and for that reason we require this at your hands.”

(21.) Abbate ergo renuente nec eisdem assentiente, cum diu **Part II.** persisterent nec quicquam proficerent, Decanus, Abbatem fixo in sententiâ suâ persistere, gradu simul etiam in nil proficiendo, diem ex maximâ expensum parte perspicens, tandem, murmure sedato, his verbis conclusit—"Dominus"—inquit—"noster, Episcopus
"noster, pastor noster, pater noster *Hilarius*, persona litteris et
"moribus egregia, honesta, religiosa, nobis discipulis suis, tan-
"quam filiis, hanc formam verborum mare transiens tradidit, hac
"forma instruxit, præmunivit, præcepit, quatenus vos, reverende
"Pater et Abbas, hac aggredieremur, circumveniremus, quo
"nobis et Ecclesiæ huic scedulam quam a vestra paternitate
"exigimus perscriberetis; nos vero, ut tanti patris decet filios,
"præceptis insistentes, hoc a vobis exigimus: quia igitur vestræ
"non placet minervæ ut nobis quod exigimus perficiatur, nos
"hoc in medium relinquimus, et Patri nostro omnia litteris
"nostris et nuntio renuntiabimus, expectantes super hoc ejus
"rescriptionem." Hoc dicto, singulis dissono non absque strepitu
murmure huic mussitantibus, excutuntur sedibus, sicque soluta
concione suis quique agendis operam accommodavere.

The Abbot persists in his refusal; and the Dean therefore dissolves the Court, stating, that he will report the Abbot's contumacy to the Bishop.

(21.) When therefore the Abbot refused and would not agree with them, though they persisted, but failed to make any headway, the Dean, seeing that the Abbot was determined to abide by his opinion by not advancing the matter one step towards completion and that the day was already far spent, when the murmur of voices had been quelled, spoke at length these words in conclusion :—"Our Lord, our Bishop, our pastor, our father *Hilary*, a man renowned for his learning and high moral character, honourable and pious, did give to us his disciples as to his sons, when he was about to cross the sea, this form of words and did in this form instruct, urge and command us to approach you with it, reverend Father and Abbot, and engage that you should write out for us and for this Church the schedule which we have demanded of you, my Father; we indeed, as is fitting for sons of so great a father, relying on his commands, do make this demand of you. Because therefore your wisdom does not permit that what we demand should be performed, we will leave the matter adjourned and will report everything to our Father by our letter and by messenger, awaiting his decision thereon." When this had been spoken, they spring from their seats, some grumbling in murmurs of dissent at this, but not without outbursts of noise, and the meeting having broken up in this way, each went about his own business.

Part II.

The Abbot, by Richard de Lucy his brother, transmits an account of the proceedings to the King.

The King orders the Bishop to leave the Abbot in peace until his return to England.

Henry II. returns to England after Easter; lands at Southampton, and proceeds to London. The Abbot meets him at Richard de Lucy's castle of Ongar (see above, p. 11); and the

(22.) Abbas coram altare Sanctæ Trinitatis ibidem, factâ oratione, et sanctæ crucis munitus signaculo, cum suis ad propria reversus est. Reputans igitur et in se Abbas recogitans, quod de his, nisi regali determinatione, finis non haberetur, per nuntium omnia *Ricardo de Luci* fratri suo exposuit: Qui omnia, ut acceperat, Regi intimare curavit. Rex vero, accito Episcopo, præcepit quatenus Abbatem de *Bello*, ut suum capellanum, in pace ab omnibus querelis esse permetteret, donec in Angliam redirent. Factum est autem. Post *Pascha*, citato gradu Rex ad mare properans, navemque ascendens, flante austro secundo, in portu *Hantonie* appulit; indeque versus *Lundoniam* iter arripuit; quod Abbas cum accepisset, paratis quæ necessaria erant, eidem apud quoddam Castrum fratris sui *Ricardi de Luci* in *Essexia* situm, *Angra* nomine, occurrit; congratulantibus itaque ad invicem, quod Deo favente prospere Rex reversus extiterat; inter multam confabulationem Rex eidem præcepit Abbati quatenus *die Pentecostes proximi* apud Sanctum Edmundum, ubi tunc coronâ suâ regiâ insigniri debebat, ita præmunitus et instructus iis quæ sibi forent necessaria veniret; ut quod sibi

(22.) The Abbot having made a prayer before the altar of the Holy Trinity in that place and having been fortified with the sign of the holy cross, returned to his own home with his attendants. Thinking and pondering to himself that no conclusion could be reached in this matter except by the decision of the King, the Abbot sent a messenger to his brother *Richard de Luci* and set forth all that had happened; and Richard took care to tell all that he heard to the King. The King therefore summoned the Bishop and ordered him to leave the Abbot of *Battle* in peace and free from all quarrels, seeing that he was his chaplain, until they should return to England. And it was so done. After *Easter* the King hastened with all speed to the sea and embarking on a ship sailed to the port of *Southampton* with a favouring south wind and thence hastened his journey to *London*. When news of this reached the Abbot, he made all the necessary preparations and went to meet the King at a certain castle of his brother *Richard de Luci*, situated in *Essex* and called *Ongar*. After mutual congratulations had been tendered that God in his favour had granted the King a safe return, in the course of a long conversation the King ordered the Abbot to come supplied and instructed in all necessary details on the *Whitsunday*, then next, to *Bury St Edmunds*, where at that season he was to wear his royal crown, so that he might be able to prove by reasoned arguments

et ecclesiæ suæ justum foret, contra Episcopum *Cicestriæ*, Part II. *Hilarium*, cui etiam ibidem super his tunc terminum præfixerat, ratione dictante, dirationare prævaluisse. Hoc audito, Abbas ad quoddam manerium suum, haud longe a prædicto castro situm, secessit, *Hou* nomine, opperiens ibi diem sibi præscriptum.

King gives a day to the Abbot to appear before him at Bury, at Whitsuntide then next.

(23.) Anno igitur ab incarnatione dominica *MCLVII.* anno scilicet *tertio* regni *Henrici* prædicti Regis junioris, *Henrici* magni ex filiâ nepotis, mense secundo ex quo de transmarinis partibus, ubi anno præcedente transierat, idem Rex repatriavit, et quo exercitum duxit in *Walliam*, die *Pentecostes*, quem tunc die festi *Sancti Dunstani* anni revolutio in orbem celebrandum reducerat, idem memorandus Princeps, apud Sanctum Edmundum, diademate insignitus regali, multis ibidem convenientibus, Archiepiscopo scilicet *Cantuarie*, Episcopis, Abbatibus, Comitibus, Baronibus et populi multitudine, diem, ut decebat, festive transegit: inter hos igitur venerabiles etiam, ut prædictum est, *Hilarius Cicestrensis* Episcopus et *Walterus* Abbas de *Bello*, propter controversiam prædictam libertatum et dignitatum

1157, May 19. Henry II. holds a Court or Great Council at Bury St. Edmund's, to which the Abbot and Bishop had been specially summoned, and a day given to them thereon; but the King being unable then to attend

what was justly due to himself and his Church against *Hilary*, the Bishop of *Chichester*, to whom he had appointed a day at the same time and at the same place to discuss this matter. On hearing this the Abbot retired to one of his manors, situated not far from the castle mentioned above, by name *Hou*, there to await the day which had been appointed for him.

(23.) In the year 1157, therefore, from the birth of our Lord, that is to say in the *third* year of King *Henry* the younger mentioned above (this *Henry* being the grandson of *Henry* the Great since he was the son of his daughter), in the second month after the King had come back to his country from foreign parts, to which he had gone in the previous year, and in the same year in which he led an army into *Wales*, on *Whitsunday*, which the year in its cycle had caused to be celebrated on the day of the feast of *St. Dunstan*, this same Prince whose memory is worthy to be honoured, spent the day in high festival as was fitting at Bury St Edmunds, wearing his royal diadem in the midst of a great assembly comprising the Archbishop of *Canterbury*, the Bishops, Abbots, Earls, Barons and a multitude of other folk. Among these reverend persons, as we have mentioned above, *Hilary*, the Bishop of *Chichester*, and *Walter*, the Abbot of *Battle*, had been summoned definitely for that day and that place

Part II. Ecclesiarum suarum diu inter illos habitam sedandam, ab eodem magnifico Principe, dato eis ibidem die peremptorio, convocati sunt; quia vero Rex, aliis ibidem occupatus negotiis, illorum causam tunc determinare nequivit, terminum eis apud *Colecestriam* præfixit, quia illuc a *Sancto Edmundo* recedens venturus erat. *Die Jovis proximo* omnes ibidem, et etiam numero plures adveniunt.

to their business, he gives them another day at Colchester, on Thursday then next, 23 May.

May 24. The King calls in certain persons to assist him as his Council.

"Ralph the Physician," (see above, p. 27).

(24.) In crastino, *die* scilicet *Veneris*, Abbas cum *Ricardo de Luci* fratre suo, Regem adiit; jussusque a Rege, in capitulum monachorum ibidem Deo servientium, secessit, expectans ejus adventum. Rex vero, missâ auditâ, capitulum intravit, præciens ut nullus nisi quem ipse vocaret ex nomine ingrederetur: accivit itaque *Thomam* Cancellarium, Comitem *Legacestricæ Rotbertum*, *Ricardum de Humez* Tribunum, *Ricardum de Luci*, *Warinum* filium *Geroldi*, *Nicholaum de Sigillo*. Affuit cum eis quidam in arte medicinæ peritus, *Radulfus* nomine; affuit et *Henricus de Essexia* Regis Tribunus, jam ante a Rege ad abbatem in capitulum missus. Supervenit etiam frater ejusdem Regis junior, *Willelmus* nomine, et cum aliis juxta illum resedit. His

by the same illustrious Prince, to settle the quarrel above mentioned, which had for a long time existed between them, touching the liberties and dignities of their respective Churches. But the King, who was busy with other matters at that place, was unable to judge their case at that time and fixed a day for them at *Colchester*, because he intended to go there when he departed from *Bury St Edmunds*. On the next *Thursday* they all came to that place and many more with them also.

(24.) On the next day, that is the *Friday*, the Abbot had audience with the King accompanied by his brother *Richard de Luci*, and at the command of the King, he retired to the Chapter-house of the monks who serve God in that place there to await his arrival. The King then, after hearing mass entered the Chapter-house and gave orders that no one was to come in except those whom he himself should call by name. Accordingly he sent for *Thomas*, the Chancellor, Earl *Robert of Leicester*, *Richard de Humez*, the Constable, *Richard de Luci*, *Warin* the son of *Gerold* and *Nicholas of the Seal*. With these there was also present a certain man skilled in the art of medicine, by name *Ralph*, and also *Henry of Essex*, the King's constable, who had already been sent by the King to the Abbot in the Chapter-house. There came also a younger brother of the King named *William*, who with the others sat down beside him. While therefore these were

itaque ibi cum domino Rege residentibus, Abbate etiam cum Part II.
tribus monachis suis considente, *Ricardus de Luci* ita exorsus
est—"Domine mi Rex, vestra summonuisse dignata est excel-
lencia, quatenus Abbas de *Bello*, frater meus, huc veniret;
"ut querela inter illum et *Cicestrensem* Episcopum de dignitatibus
"et libertatibus ecclesiarum suarum diu habita, coram vobis
"fine potiretur. Adest Abbas cum cartis et privilegiis suis."
Tunc jussit Rex Abbati cartas ecclesiæ suæ palam proferre:
legit itaque *Thomas* Cancellarius cartam Regis *Willelmi* magni
coram illis; quâ perlectâ, Rex in manus eandem accipiens atque
undique circumspiciens, magno extollere dignatus est favore,
benedicens animæ illius Regis incliti, qui affectu tam magnifico
ecclesiam illam a se constructam dilexit, et eam tam magnis
libertatibus et dignitatibus præmunivit. Iterum legit *Cancel-*
larius aliam ejusdem Regis *Willelmi* cartam super negotio
Abbatis proprio, quam similiter Rex in manus accipiens atque
circumspiciens, jussit eam cum aliis diligenter reponi et magnâ
diligentiâ custodiri. Contestabatur etiam quod si quandoque,
Deo inspirante, abbatiam fundaret, nullius nisi *Bellensis* ecclesiæ

Richard de
Lucy, on
behalf of
the Abbot,
his brother,
makes a
proffer of
the Charters
of the Con-
queror,

which are
read before
the Court by
the Chan-
cellor,
Thomas à
Becket.
The King
inspects
them, and
orders them
to be
deposited
together
with the
Charters of
William
Rufus, Hen.
I. and his
own.

sitting with the Lord King and the Abbot had taken his seat with
his three monks, *Richard de Luci* thus began the opening speech:—
"My Lord King, your excellency has deigned to summon my brother,
the Abbot of *Battle*, to come hither in order that the quarrel which
has long continued between him and the Bishop of *Chichester* touching
the liberties and dignities of their respective Churches, might in your
presence be brought to a termination. The Abbot is present with
his charters and his privileges."—Then the King ordered the Abbot
to produce the charters of his church, and accordingly *Thomas*
the Chancellor read the charter of King *William* the Great in the
presence of them all. After the completion of the reading, the
King took the charter into his hands and looking round at them
all, deigned to speak of it in terms of the highest praise and blessing
the soul of that famous King, who had loved with such splendid
affection the church that he had built and had endowed with such
great liberties and dignities. Again the *Chancellor* read another
charter of this same King *William* dealing with matters personal
to the Abbot. This in like manner the King took into his own hands
and looking round on them gave commands that it should be carefully
placed with the others and guarded with the utmost diligence. He
also called them solemnly to witness that if he at any time, through
the Grace of God, should found an Abbey, that the liberties and

Part II. libertates et dignitates suæ præscribi ecclesiæ. Aliorum etiam regum, *Willelmi* scilicet regis junioris et *Henrici* regis, cartis et carta simul suo confirmata sigillo inspectis, jussit simili modo reponi et diligenti custodia servari.

The Chancellor declares that the Abbot is bound to reply to the objections taken by the Bishop of Chichester, who alleges that he has made his profession in the Cathedral.

The King takes a distinction respecting the effect of such professions.

Richard de Lucy opens in favour of

(25.) Tunc Cancellarius Abbatem intuens—"Domine"—inquit—"Abbas, Episcopus *Cicestrensis* ratione ut multis videtur "contra vos utitur permaximâ, obiciens vos in ecclesiâ *Cicestriæ* "professionem fecisse; quocirca vestræ dilectioni providendum "est."—Abbas vero, se nil contra dignitatem et libertatem ecclesiæ suæ egisse testatus est; Rex autem Cancellarium respiciens—"Professio"—ait—"non est contra dignitates ecclesiarum; non "enim qui professionem faciunt nisi quod debent promittunt." *Ricardus de Luci* hæc audiens, iterum sic cepit—"Domine, "celsitudo vestra libertates audivit et dignitates, a nobili rege "*Willelmo* Ecclesiæ suæ, quam cognominavit *de Bello*, eo quod "ibi Deus victoriam sibi de inimicis suis contulit, traditas; quas "etiam Ecclesia eadem, quæ est capella vestra et signum regiæ "coronæ vestræ, hucusque inviolabili jure servavit. Magna

dignities of no church save that of his church of *Battle* should be taken as a model. When the charters of the other kings also, namely *William* the Second and King *Henry*, and also his own charter which had been confirmed with his own seal, had been examined, he ordered them to be laid aside in like manner and kept under careful guard.

(25.) Then the Chancellor, looking at the Abbot, said :—"My Lord Abbot, the Bishop of *Chichester*, in the opinion of many men, shows great reason in the demands he makes against you, in urging that you did make your profession in the church of *Chichester*: wherefore you must give heed to your reply."—But the Abbot bore witness that he had done nothing contrary to the dignity and liberty of his church. Moreover the King, looking round at the Chancellor, said :—"A profession is not contrary to the dignities of churches; for those who make a profession, promise nothing except what they are in duty bound to perform."—On hearing this, *Richard de Luci* a second time began in these words :—"My Lord, your Highness has heard read the liberties and dignities which were granted by the noble King *William* to his Church, to which he has given the title of '*Battle*,' because God in that spot granted him victory over his enemies. These liberties and dignities this same Church, which is your chapel and the token of your royal crown, has preserved till now

“itaque dignitate ecclesia illa a vobis et a nobis omnibus
 “*Normannis*, dico, extollenda est; quia ibi ille nobilissimus
 “Rex *Willelmus*, Dei gratia parentumque nostrorum adquisivit
 “auxilio, unde vos, Domine Rex, coronam regni *Anglici* hoc
 “tempore jure hereditario possidetis; nosque omnes opulentia
 “maxima ditati sumus. Rogamus igitur clementiam vestram
 “quatenus predictam ecclesiam cum dignitatibus et libertatibus
 “suis vestrae auctoritatis dextera protegat, et eam omnino cum
 “suis omnibus, sicut semper in antecessorum vestrorum fuisse
 “temporibus dignoscitur, liberam esse praecepiat: quod si vestra
 “hoc non placet auctoritati, voce peto supplicii quatenus Abbatem,
 “fratrem meum scilicet, a loco illo amoveatis; ne illius tempore
 “quae ecclesia praedicta antecessorum suorum tempore inviolabili
 “jure visa est possedissee, lugeat se amisisse.” His Comite
Rotberto Legacestriae atque etiam ut Rex eandem ecclesiam sicut
 suam coronam et parentum eorundem acquisitionem servaret,
 cum aliis conclamante, Rex affirmabat se nullo modo his animum
 suum praebere, quo praedicta ecclesia libertates et dignitates suas
 suis temporibus videretur perdidisse, sed cum episcopo locuturum

the Abbey of Battle, which, as he alleges, ought to be protected by the King and by all Normans, as the place where William the Conqueror gained the victory, by virtue whereof the King possesses his Crown, “and we have been extremely enriched.”

Robert, Earl of Leicester, follows on the same side.

with all its rights inviolate. That Church, therefore, I say, ought to be spoken of in terms of the highest praise and honour by you and by all of us, who are *Normans*, because there that most noble King *William*, by the grace of God and with the aid of our kinsmen, did acquire the means whereby you, my Lord King, today hold, by hereditary right, the crown of this kingdom of *England*, and whereby we are all endowed with considerable wealth. We beg your clemency therefore to protect with the right hand of your power this church and all its dignities and liberties, and command that it and all that appertains to it, should be free as in the times of your predecessors it is acknowledged to have been: and if it does not seem good to your authority to grant this boon, I pray you and supplicate you to remove my brother, the Abbot, from his post, that he might not have cause to mourn that he has lost during his term of office those privileges which that church is seen to have possessed by inviolable right in the time of his predecessors.”—When Earl *Robert of Leicester* and others with him joined in the cry that the King should guard this church as his own crown and the acquisition of their kinsmen, the King assured them that it was by no means his intention that the above-mentioned church should be seen to have lost its liberties and dignities in their days, but that he would confer with the Bishop

Part II. et omnia in pace dispositurum. Sic igitur surgens ad alia negotia sua tetendit perficienda.

1157,
May 28.
Henry II.,
assisted by
certain
Prelates,
Barons and
others,
holds his
Court,

(26.) Die itaque *Martis* post *Octavas Pentecostes*, Rex mane capitulum monachorum intravit; comitantibus secum Archiepiscopis *Teodbaldo Cantuariensi*, *Rogero Eboracensi*; Episcopis etiam *Ricardo Lundonensi*, *Rotberto Exoniensi*, *Rotberto Lincolnensi*; Abbatibus *Silvestro* ecclesiæ Sancti *Augustini Cantuariæ*, *Gausfrido Holmensi*, *Thoma* Cancellario Regis; Comitibus etiam *Rotberto Legacestrensi*, *Patricio Saresberien*; Baronibus etiam nonnullis, *Henrico de Essexia*, *Reginaldo de Warenn*, *Ricardo de Luci*, *Warino filio Geroldi*, aliisque nonnullis; populi que insuper multitudine non modicâ. Assunt etiam et Episcopus *Cicestrensis*, *Hilarius*, Abbasque *Bellensis Walterus*. Ventilato igitur negotio ibidem, quod inter venerabilem *Theodbaldum*, *Cantuariæ* Archiepiscopum, et *Silvestrum*, ecclesiæ sancti *Augustini* quæ sita est extra muros civitatis *Cantuariæ* Abbatem, erat, de professione scilicet ejusdem Abbatis ecclesiæ *Christi Cantuariæ* facienda, reticentibus omnibus *Ricardus de Luci* surgens et in medio stans, omnibus intenta aure audientibus, Regem hic verbis alloquitur—"A magnifica excellentiæ vestræ gloria, domine mi

in which
after the
cause
pending
between the
Archbishop
of Canter-
bury and
the Abbot
of St.
Augustine's
had been
discussed,

and arrange everything peacefully. Whereupon he arose and proceeded to the transaction of other business.

(26.) On the *Tuesday* therefore after the *Whitsun octave*, the King came to the monks' chapter-house in the morning, accompanied by *Theobald of Canterbury* and *Roger of York*, the Archbishops; also by the Bishops, *Richard of London*, *Robert of Exeter*, and *Robert of Lincoln*; by the Abbots, *Silvester* of the Church of *St Augustine of Canterbury*, *Gausfrid of Holme* and *Thomas*, the King's Chancellor; by Earl *Robert of Leicester*, and Earl *Patrick of Salisbury*; also by certain Barons—*Henry of Essex*, *Reginald de Warenne*, *Richard de Luci* and *Warin son of Gerold* and some others: besides these there was a considerable number of the commonalty. Both *Hilary*, Bishop of *Chichester*, and *Walter* Abbot of *Battle* were also present. When therefore the cause pending between *Theobald*, the reverend Archbishop of *Canterbury* and *Silvester*, the Abbot of the holy church of *St Augustine*, which was situated outside the walls of the city of *Canterbury*, had been discussed, to wit, concerning the profession which this same Abbot was required to make to the church of *Christ of Canterbury*—when everyone was silent *Richard de Luci* arose and standing in the midst, while everyone listened to him intently, addressed the King in these words:—"By the magnificent glory of your excellency, my

"Rex, virtuti cujus fortuna conjuncta est, venerabili fratri meo **Part II.**
 "Waltero rectori ecclesiæ vestræ de *Bello* in hujus loci con-
 "sistorio, contra reverendæ auctoritatis Episcopum *Cicestrensem*,
 "Hilarium, pro dignitatum et libertatum ecclesiarum suarum con-
 "troversia sedanda diu inter illos habita, hodierna lux adveniendi
 "constituta est. Jussis itaque vestris obtemperans in præsentia
 "adest vestrâ, in omnibus, salvo honore vestro et jure ecclesiæ
 "vestræ sibi commissæ, si quis eidem quicquam obicere voluerit
 "paratus satisfacere. Verum illa ecclesia vestra de *Bello*, a
 "nobilissimo Rege *Willelmo* ob victoriam a Deo in eodem loco
 "de inimicis suis sibi prestitam a fundamentis edificata, magnis
 "est dignitatibus atque libertatibus præmunita, quas usque
 "hodie intemerato jure tenuisse comprobatur: magnificis igitur
 "a vobis, Domine rex, et a nobis omnibus *Normannis* scilicet,
 "ecclesia illa extollenda est præconiis; quia ibidem inclitus Rex
 "ille *Willelmus*, nutu Dei, consilioque et auxilio parentum nos-
 "trorum, inimicos suos, regnum Angliæ et coronam injuste ab
 "eodem auferre conantes, devicit; sibique et successoribus suis
 "regnum coronamque Angliæ adquisivit; ex cujus consanguini-
 "tatis propinquitate jure hereditario vos in ejusdem regni solio

Richard de Lucy resumes his address on behalf of the Abbot of Battle, again insisting upon the "nobility" of the Norman Abbey.

Lord King, to whose merit good fortune has been added, this day has been appointed for the appearance of my venerable brother, *Walter*, ruler of your church of *Battle*, in the consistory of this place, in opposition to *Hilary*, of reverend authority Bishop of *Chichester*, to settle the controversy of long standing touching the dignities and liberties of their respective churches. Obedient therefore to your commands, he is here in your presence, ready to give satisfaction to any man who may have aught to bring forward against him in all matters, saving your honour and the rights of your church entrusted to his care. Of a truth your church of *Battle*, which from its foundations was built by the most noble King *William* to celebrate the victory over his enemies vouchsafed to him by God at that place, is a church endowed with liberties and dignities of great worth, which up to to-day it is proved to have held with inviolate right. That church therefore ought to be extolled by you, my Lord King, and by all of us, to wit, us who are *Normans*, in words of the highest praise and commendation because in that place the renowned King *William*, with God's good will and with the counsel and aid of our own kinsmen, did overthrow his enemies who were unjustly trying to rob him of the realm and crown of England, and obtained for himself and his successors that throne and crown of this land. Wherefore it is in consideration

Part II. "omnis regni populus nunc regnare congaudet, nosque ejusdem
 "collati beneficii dono et ex parentum nostrorum successione
 "possessionum et divitiarum copiam possidemus. Quocirca,
 "Domine, regum excellentissime, omnis hæc *Normannorum*
 "nobilium votis supplicat intimis coadunatio, quatenus locum
 "illum, ut vestri et nostri signum triumphi, in propria dignitate
 "et libertate contra omnes sibi adversantes, et quammaxime
 "adversus *Anglorum* insidias, vestra regalis protegat severitas;
 "ut nullus eidem nocendi pateat introitus. Siquidem vestræ
 "placitum hoc non fuerit voluntati, jubeat fratrem meum, loci
 "illius Abbatem, illis parcere locis, atque amici alterius futuri
 "cedere loco. Satius enim est illum, amisso pastoralis curæ officio,
 "privatum monachum et pauperem vitam libere transcurrisse,
 "quam celsâ sede residentem, et quorundam calliditate jugo
 "indebito servitutis oppressum, libertates et dignitates prædictæ
 "ecclesiæ, hactenus a prædecessoribus suis intemperate præde-
 "cessorum vestrorum auctoritate conservatas, ut signa regni
 "coronæ vestræ et acquisitionis suæ, omnis *Normannorum*
 "nobilitas ejusdem temporibus lugeat se amisisse."

Richard de Lucy, speaking in the name of the Norman nobility then assembled, urges the King to defend Battle Abbey against its adversaries, and particularly against the wiles of the English.

of the nearness of your blood relationship to him, that the whole people of this realm rejoice that you, through hereditary right, now reign upon the throne of this realm, and that we now possess abundance of estates and riches, because he bestowed the gifts of his bounty and because we inherit them from our kinsmen. Wherefore my Lord, most excellent of Kings, all this assembly of *Norman* nobles doth supplicate you with prayers most sincere, that your royal sternness protect that locality, as being the sign of your triumph and ours, in all the dignity and freedom which is due to it, against all its adversaries, and especially against the wiles of the *English*; so that no man may enter in and do it harm. But if this be not pleasing to your will, let the King command that my brother, the Abbot of that place, retire from his post and give place to another that will be his friend in the future. For better were it that he should lose the office of his pastoral cure and lead a free life as a simple monk and in poverty than that he should occupy a seat of honour and be loaded by the cunning of his enemies with a yoke of slavery which he did not deserve, while the whole *Norman* nobility should mourn that in his day they have lost the liberties and dignities of this church, which up till now, with the authority of your predecessors, have been preserved by their predecessors intact, as tokens of your royal crown and of its acquisition."

(27.) His dictis, eo residente, Abbas surrexit, atque his verbis locutus est—"Domine mi, sicut *Ricardus*, frater meus, hic patenti ratione ostendit, huc jussu vestro adveni. Si quis quicquam contra nos vel contra dignitates et libertates Ecclesiæ de Bello opponere voluerit, vestro consilio, cujus ecclesia prædicta dominica capella est et signum coronæ vestræ regiæ, objectis respondebimus. Veruntamen dignum est ut cartæ ecclesiæ illius a nobili Rege *Willelmo*, in fundamento ipsius ecclesiæ conscriptæ, et a successoribus suis et a vobis etiam confirmatæ in presentia vestrâ et omnium hic vobiscum consistentium primitus, si jubetis, audiantur."—Tunc idem Abbas tradidit cartam Regis *Willelmi* magni Domino Regi, jussusque ab eodem quidam ex clericis in auditu omnium perlegit. Quâ perlectâ, *Thomas*, Regis Cancellarius, Episcopum *Cicestrensem* respiciens, dixit,—“Domine Episcopo, audivit caritas vestra, quæ hic coram Domino Rege, omnibus audientibus, acta sunt. Nunc igitur, si quid contra hæc vestræ placuerit prudentiæ respondere, licitum est. Ad vos enim, ut nobis videtur, respicit parabola hæc.”—Tunc Episcopus surgens ita exorsus est.

Part II.
The Abbot then prays that the Conqueror's Charter may be read.

The Charter of William the Conqueror being read by one of the "Clerks," Thomas à Becket, the Chancellor, informs the Bishop that the reply lies with him.

(27.) When he sat down at the conclusion of his speech, the Abbot arose and spoke as follows :—"My Lord, just as my brother *Richard* here has shewn in his clearly reasoned speech, I have come hither at your command. If anyone would make any claim against us or against the dignities and liberties of the church of Battle, following the counsel of yourself, whose royal chapel and the token of your crown this church is, we will make answer to those claims. It is, however, right that the charters of that church which were written at its foundation by the noble King *William* and confirmed by his successors and by you, should be heard in your presence, and for the first time in the presence of all those who are here assembled with you, should you so command."—Then the Abbot handed over the charter of King *William* the First to the Lord King and a clerk at his orders read it through in the hearing of all. When it had been read through, *Thomas*, the King's Chancellor, looking at the Bishop of *Chichester*, said :—"My Lord Bishop, your grace has heard what has been done here in the presence of the Lord King and in the hearing of all. Now therefore, if it commends itself to your prudence to make any response, permission is given you. For it seems to us that the reply lies with you."—Then the Bishop arose and thus began :—

Part II.

Reply of the Bishop, in which he intimates a wish for an amicable compromise,

(28.) "Non studio sane, ut multorum moris esse dignoscitur, per orbem vagandi, sed amore et honore vestri, Domine mi Rex, hujuscemodi inscius oppositionis, in his regni vestri partibus, cum aliis præsentibus conveni. Quocirca, si vobis et Abbati aliisque hic vobis coram positis dulci complaceret affectu, salvo jure ecclesiæ nostræ *Cicestriæ* et ecclesiæ de *Bello*, pacis compositio inter me et prædictum Abbatem, vobis mediantibus, fieri foret possibile. Etenim huc tali ordine adveni. Quod si hoc vestro non insedissem animo cognoverim, ingruente necessitate, pro me et pro ecclesia *Cicestriæ* mihi commissæ, ut hujusmodi inpræmunitus oppositionis et ignarus, satisfaciam."—Renuentibus quibusdam pacis fieri compositionem; dicentibus etiam rem illam diu inter illos habitam fine digno debere concludi nec in posterum prolongari, Episcopus, voce elevata, reticentibus omnibus, dixit,—“Quia pax compositionis inter nos, vobis impediuntibus, fieri non potest: ego quæ ecclesiæ meæ *Cicestrensis* juris sunt, et rem inter nos hæcenus habitam, patenti ratione,

which proposal being objected to by the Court, the Bishop declares that he is ready to proceed.

(28.) “Not indeed from any desire of wandering about the world, as we know is the habit of many people, but out of love and honour of you, my Lord King, did I come with these other who are here present to these parts of your kingdom, utterly unconscious of any opposition such as this. Wherefore should it so seem good in all kindly affection to you and to the Abbot and to those who are here sitting in your presence, an amicable compromise might be effected, through your mediation, between me and the Abbot, saving the right of our church of *Chichester* and that of the church of *Battle*. Moreover with such a procedure in my mind did I come here. But if I should find that this is not the fixed resolve of your mind, under stress of circumstances, unprepared as I am for an opposition which I never expected, I will vindicate my own position and that of the church of *Chichester* entrusted to my charge.”—But some members of the court refused to allow an amicable compromise, alleging that a matter which had been pending so long between the parties ought to be brought to a satisfactory conclusion and not to be adjourned any further. Whereupon the Bishop raising his voice amidst the silence of all, said :—“Since owing to your hindrance an amicable compromise between us cannot be reached, I will proceed to make known to my Lord King and to all his court here assembled, with clear argument, what are the rights of my church of *Chichester* and the matter which has up till now been in

“Domino Regi omnibusque hic consistentibus pandam.”—Hac Part II. igitur usus ratione hoc modo incepit.

(29.) “JESUS CHRISTUS, Domine mi Rex,”—et repetens,—
 “JESUS CHRISTUS Dominus noster,”—tertioque reiterans,—
 “audite,” inquit, “omnes, et intelligite,—JESUS CHRISTUS Domi-
 nus noster binas mansiones potestatesque binas in hujus seculi
 dispositione constituit, unam scilicet spirituales, alteram mate-
 riales. Spiritualis illa est, de qua Dominus JESUS CHRISTUS
 in primo pastore nostro, *Petro* scilicet Apostolo, omnibus
 discipulis suis eorumque successoribus pronuntiavit, dicens,
 “Tu es *Petrus*, et super hanc petram edificabo ecclesiam meam”;
 unde, ut caritas vestra novit, ab ejusdem temporis novitate,
 in ecclesiâ Dei mos inolevit, quatenus pastores ecclesiæ sanctæ,
 ejusdem beati Apostolorum principis *Petri* vicarii existentes,
 Ecclesiæ Dei sanctæ digna gubernatione præsiderent. Hinc,
 nobis ecclesiæ Dei præidentibus, in illis beatis Apostolis, a
 domino JESU CHRISTO dictum est, ‘Qui vos audit, me audit.’
 Hinc etenim ecclesia Romana, ejusdem apostolorum principis
 Apostolatu insignita, tantam tamque magnificam, per totius
 mundi latitudinem obtinuit principatûs dignitatem, ut nullus

The Bishop opens his argument, in which he maintains the supremacy of the Pope, and that no Bishop or other Ecclesiastic can be deposed without the command or permission of the Papal See.

dispute between us.”—Following therefore this course, he began thus :—

(29.) “My Lord King, JESUS CHRIST,”—and repeating it “JESUS CHRIST, our Lord,”—and a third time repeating it he said—“Hear all of you and understand—JESUS CHRIST, Our Lord did institute in His arrangement of this life two mansions and two powers, one spiritual, the other temporal. The spiritual power is that which the Lord JESUS CHRIST proclaimed in the person of our first pastor, *Peter* the Apostle, to all his disciples and their successors, saying : ‘Thou art *Peter* and on this rock I will build my church.’ Wherefore, as your Grace knows, following on the precedent of that occasion, the custom has grown in the church of God that the Pastors of Holy Church, being vicars of this same blessed *Peter*, the chief of the Apostles, should with fit governance preside over the Holy Church of God. Hence it has been said to us, who preside over the church of God, by Our Lord JESUS CHRIST in the persons of those blessed Apostles, ‘He who hearkens to you, hearkens to me.’ Hence it is that the church of Rome, having preeminence through the Apostolate of this same chief of the Apostles, has held throughout the length and breadth of the whole world such a great and magnificent dignity of rule that

Part II.

The King interrupts him by a jocular remark, that a Bishop could nevertheless be expelled by force.

The Bishop, without noticing the interruption, proceeds to argue, that no layman, not even a king, can confer any ecclesiastical dignity or liberty without the Pope's assent.

The King, with great anger, desires him to desist from this attack upon the royal authority,

"episcopus, nulla persona ecclesiastica absque ejus judicio vel "permissione a sede ecclesiastica deponi possit."—Ad hæc Rex protensis manibus—"Verissimum est,"—ait—"Episcopum non "posse deponi, sed ita, manibus pulsus protensis, poterit expelli." Arridentibus universis, Episcopus iterum sic cœpit. "Sicut jam "dixi iterum jam dico, hoc modo statum ecclesiæ ab antiquis "tëmporibus constitutum fuisse, neque ulli personæ laicali, immo "etiam nec Regi cuiquam, ecclesiis quibusque dignitates vel "libertates ecclesiasticas dare licet; vel ab iisdem attributas "easdem, nisi ejusdem patris permissione vel confirmatione, ratas "fore non posse jure romano, ecclesiastica probat auctoritas."

(30.) Tunc Rex ira commotus—"Contra dignitatum regalium "auctoritates mihi a Deo concessas, calliditate argutâ niti præ- "cogitas; unde tibi fide et sacramento mihi astricto præcipio, "quatenus de verbis presumptoriis, coronæ et dignitati regiæ "contrariis, æquitati rectitudinis subjeeas; præsentis vero, "Archiepiscopos scilicet et Episcopos, ut de te justitiam mihi "rectitudinis impendant, salvo jure regiæ coronæ mihi a summa

no Bishop or any person belonging to the church can be deposed from his office without its adjudication or sanction."—On hearing this the King stretched out his hands and said :—"It is quite true that no Bishop can be deposed, but nevertheless he can be driven out at arm's length thus!"—Amidst the laughter of the whole Court, the Bishop again thus begins :—"As I have already said, I say again, that this status of the church has so been settled from remotest times; nor is any person of the laity, nay be he even a King, permitted to grant any ecclesiastical dignity or liberty to any churches whatsoever; and the authority of the church declares that any such dignities if conferred by these persons on any churches without the permission and sanction of the church's father, cannot be considered binding by the law of the Church of Rome."

(30.) Then the King, with great anger, spoke thus :—"You are contemplating with subtle cunning a struggle against the authority of the royal dignities granted to me by God; wherefore I charge you, bound as you are to me by an oath of fealty, that, for these presumptuous words subversive of my crown and royal dignity, you submit to the making of due amends; and I beg those here present, that is the Archbishops and Bishops, to exact for me from you adequate amends, to the vindication of the right of the royal crown granted to me by the Most High. For you are evidently acting in a

“majestate concessæ, obsecro. Agis enim, ut patet, contra Part II.
 “dignitates regales; atque libertates ab antiquitatis jure mihi
 “concessas a majestate regali demere elaboras.”—Murmure
 itaque in populo contra Episcopum concitato, vix sedari potuit.
 Tunc Cancellarius—“Haud dignum est a cordis vestri excidis-
 “memoria, Præsul venerande, cujus excellentiam^a and Thomas à
 “[pecca]tis enim in dominum nostrum Regem, cui fidei sacra- Becket and
 “mentum vos fecisse nulli dubium est. Unde prudentiæ vestræ the other
 “providendum est.”—Episcopus videns se ab omnibus, majestate members of
 regiâ offensâ, circumventum, tandem, murmure sedato, ora- the Court
 tionem suam hoc modo prosequitur.—“Domine mi, si quid ex join in
 “ore meo, vestræ regali intempestivum majestati constat fore expressing
 “prolatum, Domini cæli vestramque regalem testor dignitatem, their dis-
 “nil me contra vos vel contra vestræ dignitatis excellentiam approbation.
 “versuta calliditate protulisse. Ego enim vestram omnimodis
 “præoptavi paternitatem, extuli excellentiam, magnificavi digni- Bishop
 “tatem: vos, ut Dominum, præcordiali affectu semper dilexi Hilary
 “carissimum. Nihil igitur in me mali vestra rogo regalis celsitudo explains
 “suspicietur; neque hoc suggerenti cuiquam facile credat. Nil that he did
 not wish to
 diminish
 the King's
 authority.

manner derogatory to the dignity of a King and you are striving to de-
 prive our royal majesty of liberties which have been granted to a King
 by immemorial right.”—There then arose an angry murmuring against
 the Bishop, which could only be suppressed with the greatest difficulty.
 Then the Chancellor spoke as follows:—“It is far from seemly, that
 there should have escaped the memory of your heart, reverend Bishop,
 whose excellence. . . , for [you sin against] our Lord King, to whom no
 one doubts that you have made the oath of allegiance. Wherefore
 you must bethink you to act prudently.”—The Bishop seeing that
 he was beset by all, because he had offended the King’s majesty,
 after the clamour had subsided, pursued his speech in this manner:—
 “My Lord, if it is the general opinion that any words offensive to
 your royal majesty have fallen from my lips, I call the Lord of Heaven
 and your royal self to witness, that I have uttered nothing in the
 spirit of wily cunning prejudicial to you and the excellence of your
 dignity. For in every possible way have I sought for your fatherly
 love, extolled your excellence and magnified your dignity. I have
 always loved you as my dear Lord with heartfelt affection. I therefore
 beg your royal highness to entertain no suspicion of evil intent on
 my part toward you, and that no one should be lightly believed who
 makes such a suggestion. For I desire to diminish in no whit your

^a As blank in the MS.

Part II. "enim a vestra potestate minui cupio, quam semper et dilexi
 "et pro viribus meis magnificavi; ad honorem igitur et decus
 "vestræ celsitudinis omnia protuli."

But the
 King does
 not accept
 his ex-
 planation.

(31.) Ad hæc Rex—"Procul hic honor,"—inquit,—"atque
 "decus hoc a nobis et a nostris amoveantur, quibus ea, quæ
 "antecessorum meorum regum auctoritate et hereditario jure,
 "Dei cooperante gratia, mihi concessa sunt, blandis atque falla-
 "cibus, ut omnibus patet, annullari cupis sermonibus."

Bishop
 Hilary states
 how the
 Abbot
 attended
 his conse-
 cration;

(32.) Tunc Episcopus—"Omnia, Domine mi, quæ hic, vobis
 "audientibus, a me studiose prolata sunt, pace vestra omniumque
 "hic ut proposueram consistentium, me ratus sum perorasse;
 "quia vero a me incepta non placent, omissis his, rem proposi-
 "tam paucis expediam.—A piissimo Rege *Stephano*, Ecclesiæ
 "*Cicestriæ* Antistes datus *Canuariam* profectus sum, a venerabili
 "*Teodbaldo*, ejusdem loci Archiepiscopo, ut canonicum est,
 "sacrandus. Ibi affuit et Abbas de *Bello*, sciens hoc justum esse
 "et canonicum, ad sacrationem scilicet sui Episcopi, in cujus
 "diocesi manere dignoscitur convenire. Fecit igitur quod debuit:

power, which I have always loved and magnified as much as I possibly could; all my suggestions therefore have been made to the honour and glory of your highness."

(31.) In reply to this the King said :—"May this honour and glory be far removed from us and ours, with which, by your smooth and deceitful speeches, you desire, as is clear to any one of us, to bring to nought those privileges which have been granted me by the authority of the Kings, my predecessors, and by hereditary right, through the help of God's grace."

(32.) Then the Bishop replied :—"I thought, my Lord, that I, as was my intention, had uttered every word, pronounced by me here in your hearing with that purpose, to your satisfaction and that of those around me, but because my opening words find not favour in your eyes I will omit those arguments and in a few words will explain the matter under discussion."—"After my appointment as Bishop of the Church of *Chichester* by the most pious King *Stephen*, I set out for *Canterbury*, to be consecrated, as is canonical, by the reverend *Theobald*, Archbishop of that place. There was present also the Abbot of *Battle*, knowing that it was just and canonical for him to be present at the consecration of his Bishop, in whose diocese he is admitted to abide. He did therefore his duty. But when I returned

“reversus vero ad sedem meam *Cicestriæ*, ibidem Abbas idem Part II.
 “convenit; et cum aliis festive indu[c]tus in sede propriâ ab eodem,
 “sicut ubique consuetudinis habetur, sum collocatus. Idem
 “etiam in illo eodemque anno summonitus *Cicestriam* petiit,
 “festiveque indu[c]tus in sinodo cum aliis præcepta consuetudines-
 “que sinodi consedit auditurus. Haud longo postmodum tempore,
 “ut canonicum est, parrochiam meam circumiens, *Bellum* deveni,
 “atque ab eodem Abbate et omnibus fratribus loci ejusdem
 “honorifice indu[c]tus, sicut loci illius proprius et specialis Episco-
 “pus, processionaliter receptus sum; inde cum eodem capitulum
 “intrans verbum Dei loci illius fratribus, sicut filiis, seminavi:
 “et, ut patrem decet, filios in fide catholica confirmavi. Hinc
 “ad hospicium deductus, honorifice ut decebat, sicut suo Episcopo,
 “quæ necessaria erant impendit, atque inde recedentem muneribus
 “me suis decenter ditavit.”

and how,
when
visiting his
diocese, he
was re-
ceived in the
Abbey.

(33.) His *Henricus de Essexia*, Regis Tribunus, respondit—
 “Bene voluntateque benigna ab illo acta, a vobis sinistra
 “remuneratione sunt accepta; malum enim pro bonis vobis
 “collatis nunc illi rependere vultis; atque utinam tali quisquam

Henry de
Essex
observes,
that the
Bishop
makes a
bad return
for the
hospitality
which had
been shewn
to him.

to my See at *Chichester*, the Abbot also came there, and I was inducted with others with due solemnity and placed in my own throne by him, as it is everywhere thought to be the proper custom. Again in that same year he came at my summons to *Chichester* and being solemnly brought in took his seat with the others in the synod to hear the rules and practices of the synod. Not long afterwards, as I was making my circuit around my diocese, in accordance with the ordinance of the canon, I came to *Battle* and was received in procession and brought in with due honour by this Abbot and by all the brothers of that place, as the proper and peculiar Bishop of that place. Whereupon I entered the chapter-house with him and scattered the seed of the word of God to the brethren of that place, as to my sons, and, as a father should, I strengthened my sons in the Catholic faith. From thence I was conducted to the guest-room, and there, in seemly fashion, as for his Bishop, he bestowed on me all that was necessary, and on my departure from the Abbey presented me with his gifts in a most fitting manner.”

(33.) To these words *Henry of Essex*, the King's Constable, made answer as follows:—"The acts of kindness and goodwill which he did you have been repaid by you with a graceless recompense; for you wish to repay him evil for all the good that he showered on you;

Part II.

The Bishop continues to state that the Abbot absented himself from the Synod, and sent his Prior and certain monks in his stead, imputes the ill-will between him and the Abbot, to the wish which the latter had formed of being translated to the See of London, in which the Abbot supposed he had been thwarted by the influence of Bishop Hilary.

Henry de Essex and Richard de Lucy justify the Abbot.

“remuneratione acceptus, vobis in posterum haud præbeat hospitium.”—Episcopus autem “Extunc, inquit, domine mi carissime, nescio quo idem usus consilio, a sinodo se subtraxit, summonitusque ipse, venire renuens, Priorem Ecclesiæ suæ cum quibusdam fratribus suis ad sinodum destinavit. Pro amore illius nihil in hoc mali estimans, semel iterumque atque tercio hæc patiens, grato animo accepi; hæc itaque omnia inter nos, ut audistis, pacifice acta sunt; donec, Episcopo *Lundoniæ* mortuo, nescio quo aut invidiæ vel superbiæ spiritu idem inflatus, rectis oculis me intueri non poterat. Sperabat enim me sibi fortuitu, ut credo, in illo nocuisse negotio quod omnino probare non poterit.”—Ad hæc *Henricus de Essexia*—“Si de episcopatu *Lundoniæ* agere dilectio vestra voluerit, profecto omnibus notum est, Abbatem istum illius honoris ambitione quicquam contra Deum vel sacrum ordinem illum simoniace aliquo tempore agere noluisse; quod si, ut nonnulli, pecuniâ mediante, in sede illa collocari affectaret, omnes pro certo repulsam passi, intronizari præ omnibus meruisset.”—His *Ricardus de Luci* subjunxit—“Absit hoc ab eo, ut intercessore

may one who has been favoured with such reward never again offer you hospitality.”—Whereupon the Bishop said :—“My beloved Lord, the Abbot, for some reason or other, absented himself from the synod, and, when summoned, refused to come, but sent the Prior of his Church and some of his monks to attend the synod. In consideration of my love for him, I thought no evil of this, but put up with it once, twice and three times, and welcomed his substitutes with a feeling of joy. All these matters then, as you hear, were conducted in a perfectly peaceful manner between us, until the Bishop of *London* died, when he, puffed up by some spirit of envy or pride, could no longer regard me with unprejudiced eyes. For, as it appears to me, he entertained the idea that I by chance had injured his prospects in that business, a thing which he will by no means be able to prove.” To this *Henry of Essex* made the following reply :—“If your grace wishes to discuss the matter of the bishopric of *London*, it is, I assure you, well known to all, that the Abbot in his aspirations after that office has never at any time consented to perform any act of simony against God and that holy order, but if, like some, he had attempted to place himself on that throne by the help of money, his merits would have entitled him to the throne before any other, and all other candidates would certainly have been rebuffed.” To these remarks *Richard de Luci* also added the following :—“Be it far

“tali tam sacrum tamque magnificum ordinem adipiscatur: **Part II.**
 “nullum enim mortalium nobis novimus in hoc opere fore
 “verendum.”—Submurmurantibus nonnullis, Episcopus spiritum
 resumens, orationem inceptam proseguitur.

(34.) “Res igitur, Domine mi, extunc inter nos in dubio posita
 “est; nec quisquam nostrum ab opere incepto declinare voluit.
 “Tunc quidam ad me venientes intimaverunt, Abbatem, hac de
 “causa, sinodum petere noluisse, quod cartis et privilegiis suæ
 “utens ecclesiæ, earum extollebatur auctoritate, dicendo se
 “canonicam *Cicestriæ* ecclesiæ minime exhibere obedientiam
 “debere. Quod postquam accepi, nolens Ecclesiam meam ab
 “antiquis suis et justis, meis temporibus, minui dignitatibus,
 “Abbatem cum quâdam parochiæ meæ personâ aliâ, sinodum
 “apud *Cicestriam* petere, tempore constituto, summonitum nec
 “venientem interdixi: eo tamen tenore, quod si infra quadra-
 “ginta dierum spatium satisfacturus non veniret, ab officio suo
 “suspensus cessaret. Verum persona alia, supplice voce, veniam
 “petens obtinuit, Abbate in sententiâ permanente. Quod Abbas
 “ut audivit, Regem *Stephanum* adiit, atque illi super hoc questum

Bishop
Hilary
resumes.

He states
how he had
published
the condi-
tional
sentence of
excom-
munication
against the
Abbot,

from the Abbot to seek to obtain such a sacred and lofty order by
 such an intermediary; for we know that we have to fear no mortal
 man in this business.” While some murmured at this in low tones,
 the Bishop, having regained his breath, proceeded with the speech
 he had begun:—

(34.) “The matter therefore, my Lord King, was thenceforth left in
 doubt, for neither of us was willing to retreat from his original position.
 At that time certain men came to me and told me that the Abbot
 had refused to attend the synod, because having the advantage
 of the charters and privileges of his church he was so uplifted by
 their authority that he stated that he was by no means bound to
 show canonical obedience to the church of *Chichester*. And so when
 I heard this, not wishing that my Church should be deprived of its
 ancient and just dignities in my time, I summoned the Abbot to
 come to the synod at *Chichester* with a certain other person of
 my diocese, at a fixed time, and when he did not come, I placed
 him under interdict; subject to these terms that if he did not
 come and make satisfaction within forty days’ time, he would be
 suspended and deprived of his office. But the other person pleading
 and begging for pardon, obtained it, the Abbot meanwhile remaining
 under the sentence. When the Abbot heard this, he approached
 King *Stephen* and preferred his complaint on this matter to him. The

Part II.

that when he, the Bishop, appeared before King Stephen, the Abbot made default, whereupon he returned home, and in due time pronounced the sentence of excommunication, which he afterwards released at the instance of the Archbishop.

Henry de Essex tells the Bishop that he would not have ventured to pronounce the excommunication if King Stephen had then been living.

"intulit: Rex vero quendam ex clericis suis, *Robertum de Cornuilla* nomine, ad me misit, mandans quod *die Octavarum Sancti Andreæ, Lundonias* coram eo venirem, et quod Abbas "etiam ibidem convenire deberet; atque ibi, consilio Archiepiscopi "*Cantuariensis* et Baronum suorum, pacis fœdus inter nos "poneret. Die constitutâ, coram Rege affui; ibi itaque nec "Abbas neque quisquam pro eo, ut tunc omnibus patuit, contra "me advenit. Ita igitur ad propria reversus sum, Abbate in "sententia permanente. Post illius anni curriculum, in sinodo "solemni, secundum canonum statuta, illum excommunicavi, "Abbas vero, hoc accepto, Archiepiscopo retulit. Archiepiscopus "autem, ipsius Abbatis precibus, litteris suis mihi mandavit, "quatenus sententiam relaxarem, donec in unum conveniremus; "ipse enim inter nos omnia bene disponderet. Pro honore ipsius "domini Archiepiscopi, sententiam ad tempus relaxavi."—Tunc *Henricus de Essexia*—"Rege *Stephano* defuncto, si hoc veritati "innititur, vos id fecisse constans est, quo vivente nunquam "ausu temerario vos probatur hoc præsumsisse. Non enim "expediret vobis. Quid nunc Dominus noster factururus sit, suo

King then sent to me one of his clerks, by name *Robert of Corneville*, ordering me to come and appear before him in *London* on the *octave of St. Andrew*, and that the Abbot should also come there; and that when he had taken counsel of the Archbishop of *Canterbury* and of his Barons, he would there conclude a treaty of reconciliation between us. On the appointed day I appeared before the King, but neither the Abbot nor any representative of his appeared to confront me, as was then clearly known by all. I therefore returned to my home, while the Abbot in the meantime remained under the sentence. After the lapse of that year, in accordance with the injunctions of the canon, I excommunicated him in solemn Synod; whereupon the Abbot, on receipt of the news, reported the matter to the Archbishop. The Archbishop, indeed, moved thereto by the prayers of the Abbot, wrote me a letter and commanded me to release the sentence until a meeting could be held, and stated that he himself would satisfactorily arrange the whole matter between us. Out of respect for the dignity of the Lord Archbishop, I temporarily released the sentence." Thereupon *Henry of Essex* broke in:—"If this statement is founded on truth, it is certain that you have acted after the death of King *Stephen* as, it is clearly seen, you would never have presumed or dared, in all temerity, to have acted in his lifetime. It would not have been profitable for you. What our Lord [the King] now intends to do,

“juri et potestati committitur.” Ita Episcopus subintulit. **Part II.**
 “Tunc res inter nos habita est, nec aliquo tempore Abbas ad
 “satisfactionem venisse comprobatur. Postquam dominus noster
 “JESUS CHRISTUS, Domine Rex, vos in regni hujus solio collocavit,
 “quod mihi præ omnibus gratissimum fore constat, Abbas nec
 “mihi, ut suo Episcopo, quæ debebat exhibuit, nec meæ ecclesiæ,
 “*Cicestrensi* scilicet: immo etiam me, ubique vitando, spernebat,
 “atque verbis turpissimis ubique pro posse suo diffamabat. Accidit
 “autem quod idem cartas Ecclesiæ suæ in sigilli vestri renovatione
 “confirmari disponderet. Pervenit itaque ad aures meas in ejus-
 “dem cartis contra Ecclesiæ meæ *Cicestrensis* dignitates, et
 “etiam contra *Cantuariensis* Ecclesiæ, matris videlicet totius
 “*Angliæ*, aliqua contineri. Quod Archiepiscopo, sicut illi, cui
 “omnes nos professionem fecisse nulli dubium est, et cui etiam
 “et Ecclesiæ *Cantuariæ* canonicam per omnia debemus obedi-
 “entiam, intimare curavi. Archiepiscopus vero vos inde convenit;
 “ego etiam pro me, et pro ecclesia mea *Cicestriæ*, querimoniam
 “coram vobis deposui. Præcepit igitur clementia vestra, quatenus

The Bishop, without noticing the interruption, proceeds in his address to the King, stating how the Abbot had persevered in his contumacy;

and how the Archbishop of Canterbury had stayed the renewal of the Battle Charters,

depends entirely on his own right and power.” Then the Bishop went on thus:—“Then this quarrel rose between us and it is a fact that the Abbot did not come at all to offer satisfaction. After Our Lord JESUS CHRIST had established you, my Lord King, on the throne of this kingdom, which is well known to have been a matter of great joy to me more than to all others, the Abbot did not perform the duty, which he owed to me as his Bishop or to my church, namely that of *Chichester*; nay rather did he treat me with disdain, by avoiding me on every possible occasion and speaking ill of me wheresoever he could with words of the grossest abuse. It happened, however, that he was making arrangements that his charters should be confirmed and renewed by the impression of your seal. It reached my ears therefore that his charters contained some things which were prejudicial to the dignity of my Church of *Chichester* and prejudicial even to the Church of *Canterbury*, that is the mother-church of the whole of *England*. This I took care to bring to the knowledge of the Archbishop, seeing that it is to him that we all have made our profession, as no one can possibly doubt, and that it is to him and to the Church of *Canterbury* that we owe canonical obedience in all things. Whereupon the Archbishop convened a meeting of you all; and I, on my own behalf and on behalf of my church of *Chichester*, laid my complaint before you. In your clemency you did therefore command that I and the Abbot, together

Part II.

“coram Episcopo, ego et Abbas, cum Cancellario vestro domino
 “*Thoma*, conveniremus; ibique lecta Abbatis carta, consilio
 “Archiepiscopi, ea quæ corrigenda erant, ea scilicet quæ contra
 “dignitates prædictarum ecclesiarum, *Cantuariæ* scilicet et
 “*Cicestriæ*, existebant correcta, unusquisque quæ sui juris esse
 “viderentur adquisisse gauderet. Convenimus ibi. Lectâ igitur
 “coram assistentibus cartâ Abbatis, ea quæ contra dignitates
 “*Cantuariensis* Ecclesiæ et *Cicestrensis* erant, justâ consideratione,
 “peremptoria esse præcepta sunt. Abbas, irâ commotus, multis
 “me ibidem et maximis aggressus est injuriis; nec solum duntaxat
 “tunc, set anno etiam præsentî, *Cicestriam* veniens, capitulum
 “nostrum cum nimîâ arrogantîâ intravit; atque multis et
 “innumerabilibus modis in præsentia Conventûs mei, minando
 “atque spernendo me dijudicavit. Hac itaque ratione et hoc
 “modo, Domine mi carissime, rerum series inter nos hætenus
 “habita est. Peto igitur excellentiam vestram, quatenus anti-
 “quam et justam canonum institutionem inter nos ratam per
 “omnia esse, atque hæc more ecclesiastico determinare præ-
 “cipiat.”

and that
 all matters
 contained in
 the Charters,
 contrary to
 the privi-
 leges of the
 Churches of
 Canterbury
 and
 Chichester,
 had been
 declared
 to be void.

with your Chancellor, the Lord *Thomas*, should come before the Bishop [probably an error for *the Archbishop*] and that when the charter of the Abbot had been read out, and according to the counsel of the Archbishop, those matters which needed amendment (that is, those which were prejudicial to the dignity of the churches mentioned previously, namely *Canterbury* and *Chichester*) had been amended, both of us should have cause to rejoice that we had obtained what were seen to be our rights. We met at the place appointed. When therefore the Charter of the Abbot had been read out to all those at the meeting, those matters which were prejudicial to the dignities of the churches of *Canterbury* and *Chichester* were declared after just deliberation to be null and void. The Abbot, in great anger, did there attack me with much grievous abuse; not merely then, but also in this present year he came to *Chichester* and entered our chapter-house with exceeding arrogance, and in many ways, too numerous to mention, he censured me with threats and scorn in the presence of my chapter. And so in this way and in this manner, my beloved Lord, have things gone on between us until now. I therefore beg your excellency to command that the ancient and just institution of the canon be ratified between us in all its details and that this quarrel be adjudicated in accordance with the custom of the church.”

(35.) Tunc Rex—"Mirum et mirandum nimium hic audimus; cartas scilicet prædecessorum meorum Regum, justa dignitate coronæ *Angliæ* et magnorum virorum testimonio confirmatas, a vobis, Domine Episcopo, peremptorias esse judicatas. Absit hoc, absit a Regni mei excellentiâ, ut quod, ratione dictante, consilioque Archiepiscoporum et Episcoporum atque Baronum meorum, a me fuerit decretum, a vobis et a vestri similibus damnandum esse judicetur."—Tunc Abbas—"Ab antiquis temporibus, regnante *Willelmo* Rege nobilissimo, omnia hæc, ut a senioribus Ecclesiæ nostræ accepimus, coram eodem Domino nostro Rege, *Lanfranco Cantuariensi* Archiepiscopo et aliis quampluribus Episcopis præsentibus, *Stigando* etiam tunc *Cicestriæ* Episcopo in presentia ejusdem Regis consistente, qui *Gausbertum* ecclesiæ de *Bello* Abbatem primum super his infestabat, summonendo illum ut sinodum apud *Cicestriam* peteret et alia omnia Episcopalia persolveret, determinata sunt. Unde et cartam ipsius domini Regis super hoc negotio propriam, *Lanfranci Cantuariæ* Archiepiscopi et aliorum nonnullorum episcoporum, sed et etiam ipsius *Stigandi*

The King, speaking with great indignation, denies the right thus assumed by the ecclesiastics of annulling the Royal Charters, or that the decrees made by the King with the advice of his Archbishop, Bishops, and Barons should be repealed by the Bishop [acting in his spiritual capacity].

The Abbot's reply—in which he states that the question of exemption having been disputed between *Stigand* and *Gausbert*, the Charter of *William* the Conqueror had been granted to confirm the privileges of the Abbey.

(35.) Then the King said :—"We have in this place listened to a strange and exceedingly wonderful statement, that the charters of the Kings, my predecessors, which have been confirmed by the rightful dignity of the crown of *England* and by the witness of magnates, have been declared void by you, my Lord Bishop. Be it far, be it far from the excellence of my kingdom, that what has been decreed by me after due deliberation and after having taken the counsel of my Archbishops, Bishops and Barons, should be adjudged worthy of condemnation by you and by men such as you."—Then the Abbot spoke thus :—"Long ago, when the most noble King *William* was on the throne, all these matters were decided, so we have heard from the older members of our Church, in the presence of the same Lord King, *Lanfranc*, Archbishop of *Canterbury* and several other Bishops, when *Stigand* also, then Bishop of *Chichester*, stood in the presence of this same King who was attacking *Gausbert*, the first Abbot of the church of *Battle*, by summoning him to attend the Synod at *Chichester* and perform all the duties he owed to the Bishop. Wherefore I have here present the charter of the Lord King himself relating to this matter, confirmed by the attestation of *Lanfranc*, Archbishop of *Canterbury* and several other Bishops and also by the attestation of *Stigand*, the Bishop of *Chichester*, himself."—With these words he handed the charter to the King,

Part II. “*Cicestriæ* episcopi testimonio^a confirmatam præsentem habemus.”—Hæc dicens, tradidit cartam Regi, atque eam unus ex clericis ejus nutu, omnibus audientibus, perlegit. Hæc itaque inter alia, in illa continebantur carta, “Quod ecclesia,” scilicet de *Bello*, “libera sit omnino a subjectione *Cicestrensis* Episcopi, “neque ad sinodum Abbas summoneatur; nisi ipse pro aliqua “re sponte ire voluerit.”

Charter, containing the clause of exemption, produced, and read by one of the Clerks.

The Bishop protests that he had never been able to obtain a sight of this Charter. The Abbot attempts to answer; but the King silences both.

Declares that the determination of the question belongs entirely to him.

(36.) His perlectis, Episcopus se cartam illam nunquam vidisse vel audisse affirmabat, neque Abbatem sibi aliquo pacto eam pandere voluisse; Abbate nonnulla contra obiciente, Rex eidem ut taceret præcepit.—“Non enim”—inquit,—“hoc amodo “*vestræ* dirationandum incumbit prudentiæ, sed me, uti proprium atque Regale, tueri decet negotium; quapropter *vestra* “interim sileat fraternitas, nobis hoc evidenti ratione, atque “regali protectione uti proprium determinantibus. Ad nos itaque “hujusmodi spectat negotii diffinitio.” Multis igitur super his hinc inde habitis, tandem silentio imposito, *Ricardus de Luci* surgens, Regem voce supplice exoravit, quatenus Abbati de *Bello*, fratri suo, super his respondendi consilium cum amicis

and one of the clerks, at a nod from him, read it out in the hearing of all. Among other clauses, the following was contained in that charter:—“That the church (that is the church of *Battle*) be entirely free from all subjection to the Bishop of *Chichester* and that the Abbot be not summoned to synod, unless he for some reason wishes to go of his own free will.”

(36.) When this had been read through, the Bishop protested that he had never seen or heard of this charter and that the Abbot had never wished to show it to him on any consideration. When the Abbot was for making some reply to this, the King ordered him to be silent: “For,” he said, “henceforth it does not rest with your prudence to vindicate your claim but it becomes me to see to the business as personal and regal. Wherefore in the meantime do you remain silent and leave this matter as our own for us to settle by obvious right and in virtue of our royal protection. The settlement of a business of this sort is our affair.” When therefore many other opinions, on this side and on that, had been offered, silence was at length restored and *Richard de Luci* arose and begged the King to allow the Abbot of *Battle*, his brother, the privilege

^a No Charter confirmed by Stigand is extant: the second Charter relating to the exemption of *Battle* is addressed to him—(Monasticon, III. 245).

suis secretius habere liceret. Rege his annuente, advocans **Part II.**
Rogerum Eboraci Archiepiscopum, Thomam Cancellarium Regis,
Johannem Thesaurarium Eboracensis ecclesiæ, Rotbertum Comitem
Legacestricæ, Patricium Comitem Sarisburicæ, Henricum de Essexia,
Raginaldum de Warennæ, Warinum filium Geroldi, et aliorum
 nonnullorum Baronum et militum multitudinem non modicam,
 cum fratre suo Abbate, omnibus his sibi coherentibus, in unam
 capituli partem secessit, atque super his eorum sententiam per-
 quirere cepit. Rex, missam interim auditurus, Ecclesiam adiit,
 iterumque post missam ibidem rediens in sede sua resedit:
Ricardus de Luci cum Abbate et omnibus sibi junctis, consilio
 communicato, rediit, impositoque responsionis sermone *Thomæ*
Cancellarii Regis, omnibus audientibus, facunda oratione, hoc
 modo idem responsum reddidit heros.

But
 Richard de
 Lucy begs
 that the
 Abbot his
 brother may
 be allowed
 to take
 counsel
 with his
 friends,

which is
 granted
 to him.

(37.) “Diu, Pater reverende *Hilari*, questionis a vestrà
 “prudentiâ habitæ seriem retexentes, certa æquitatis ratione,
 “certis etiam procerum præsentium suffragiis, nonnulla referre
 “decrevimus. Inprimis igitur venerabilis Abbas *Gauterius* grates
 “vestræ prudentiæ quam maximas refert, quod pro beneficiis

Reply of
 Thomas à
 Becket, in
 which he
 argues that
 the volun-
 tary tokens
 of respect
 and sub-
 mission,

of taking counsel with his friends in greater privacy touching the
 reply he should make. When the King gave his assent, calling to
 him *Roger*, Archbishop of *York*, *Thomas*, the King's Chancellor,
John, the Treasurer of the Church of *York*, *Robert*, Earl of *Leicester*,
Patrick, Earl of *Salisbury*, *Henry of Essex*, *Reginald of Warenne*,
Warin the son of Gerold, and a considerable number of other Barons
 and Knights, together with his brother the Abbot whose adherents
 they all were, he retired with them to a separate part of the
 chapter-house and began to find out their opinion on this matter.
 Meanwhile the King went to the Church to hear mass and returning
 after mass to the same place sat in his own seat again. *Richard de*
Luci returned with the Abbot and all his friends with whom he had
 taken counsel, and when the speech in reply had been delegated to
Thomas the King's Chancellor, that champion replied thus in the
 hearing of all in an eloquent oration:—

(37.) “Long since, Father *Hilary*, after a review of the whole
 course of the action instituted by your prudence, I decided to make
 some remarks based on the sure ground of equity and fortified by
 a decided agreement in opinion with the magnates here present.
 First of all, therefore, the venerable Abbot *Walter* returns his best
 thanks to your prudence, because in return for the benefits which

Part II.

shewn by
the Abbot,
did not
prejudice
the rights
granted by
the Charter.

“vobis ab eodem collatis illum in tanta, tamque ut hic nunc
“constat, curia magnifica, præsentibus etiam tantis tamque viris
“nobilibus, magnifica laude extollitis. Quod si illis temporibus
“in tanta tamque curia excellenti sibi hoc tam maxime laudis
“extollentis imputandum speraret, profecto ut fatetur beneficium
“amplificaret. Verum inde quam maximo dolore conficitur,
“quod pro beneficio ab eo, benigna animi devotione vobis
“collato, ut omnibus hic præsentibus patens est vice versa
“veneficia illi omni mentis annisu rependere satagitis: nunc
“igitur contra sibi objecta hoc modo responsum refert. Si
“*Cantuariam* petens, in sacratione vestra præsens extitisse, et
“post apud *Cicestriam*, vobis obviis in sede vestra solemniter
“vos collocasse, nec non et in sinodo vestra resedissee cum ceteris
“comprobatur; dignitate et libertate ecclesiæ suæ de *Bello*, teste
“etiam carta sua hic perlecta, utrumlibet sibi aut fecisse licet
“horum vel minime egisse; neque enim vinculo aliquo a vobis
“ut hæc rigore ecclesiastico persolvere debeat constrictus est.
“Quippe cum vestræ non subiaceat ditioni, immo, teste cartâ

he has conferred on you, you magnify him with such great distinction in such a great and magnificent court as we now see here and in the presence of such great and noble men. For had he entertained the hope in former days that such a meed of exaltation and praise was to be bestowed on him in such a magnificent and so excellent a Court as this, he surely confesses that he would have doubled the amount of those kindnesses. But in the next place, he is overwhelmed with the profoundest grief, because, in return for the benefit conferred by him on you in all kindness and devotion, as is evident to all here present, you are reversing the situation and are striving with all the power of your mind to repay him with poisonous fare: this therefore is the answer which he now makes to the allegations you have brought against him. If he is proved to have gone to *Canterbury*, and to have been present at your consecration and afterwards, at *Chichester*, to have met you and placed you with all due solemnity on your throne and also in your synod to have taken his seat with the others, he had every right to do, or not to do at all, any of these things just as he pleased, because of the dignity and liberty of his church of *Battle*, as the charter which has been read aloud in this place bears witness; nor was he constrained by you by any bond that he had to perform these duties under ecclesiastical pressure. Since therefore he is certainly not subject to your jurisdiction, nay rather, is entirely free from all subjection to you on the evidence of the

“suâ prædictâ, liber est omnino ab omni subjectione vestra, **Part II.**
 “Archiepiscopum etiam, dominum nostrum *Cantuariensem* scilicet,
 “contestatur hoc se ipso præcipiente perfecisse.”

(38.) Ad hæc Archiepiscopus — “Verum est, illum me
 “præcipiente hæc effectui mancipasse.” “Quod parrochiam
 “vestram” — Cancellarius inquit — “ut consuetudinis habetur,
 “circumiens *Bellum* petistis, atque a fratribus loci illius, Abbate
 “præsente, processionaliter susceptus extitistis, indeque capitu-
 “lum illorum intrans, verbum Dei illis seminastis, omnibus ultra
 “citraque mare existentibus Ecclesiis consuetudinarium esse
 “dignoscitur: Episcopo *Hiberniensi* vel etiam *Hispalensi* vel
 “cui libet alii hunc dignitatis et caritatis honorem, absque ulla
 “consuetudinis exactione gratis impendere licitum foret. De
 “episcopatu vero *Lundoniæ*, hoc vestræ Abbas intimare procurat
 “prudentiæ, quod nec vultu, neque actu, nec etiam nutu aliquo
 “vobis quicquam pro illo eodemque episcopatu, *Lundoniæ* scilicet,
 “significationis contrariæ ingessit; quippe cum in illius dispo-
 “sitione negotii, nil contra se a vobis mali suspicatus fuerit.
 “Sed, ut quodam in loco dictum est, conscius ipse sibi omnia

Thomas à Becket, Chancellor, further argues, that the reception of the Bishop was merely an act of hospitality, such as might have been shewn to a foreign Prelate.

On behalf of the Abbot, he disclaims all ill-will arising out of his supposed wish to obtain the See of London.

charter I mentioned before. He also calls the Archbishop, to wit, our lord of *Canterbury*, to witness that he performed these acts at his command.”

(38.) To this the Archbishop added:—“It is true that he performed these acts at my command.” Then the Chancellor said:—“Because you, when going the rounds of your see, as is the usual practice, did come to *Battle* and there were received by the brothers of that place in procession, with the Abbot also present, and did thereupon enter their chapter-house and did scatter the seed of the word of God among them, it is well known to all that this is the custom practised in the case of all churches which exist both in this country and beyond the sea. This honour of dignity and love it would be right to pay to any Bishop of *Ireland* or of *Spain*, or any other Bishop whatsoever, out of kindness, without any constraint of custom. Now, as regards the Bishopric of *London*, the Abbot is anxious that your prudence be assured that he has never charged you with any semblance of opposition either by look or act or even nod, in respect to that same Bishopric of *London*, and naturally not, seeing that he entertained no suspicion of evil intent on your part towards himself in the settlement of that business. But as has been said in another place, the man with a guilty conscience thinks that every thing is

Part II.

As to the proceedings before King Stephen, he asserts that they were mis-stated by the Bishop, and that the Abbot appeared before the King,—obtained a declaration in his favour—and returned home by the King's command—i.e. not in default.

Any attendance at the Synod of Chichester was voluntary.

“putat contraria sibi; pro re quidem a vobis gesta, remordente
 “fortuitu conscientia, illum simplici vultu gradientem nunquam
 “recto vos lumine sperabatis intueri potuisse. Quod illum
 “sinodum apud *Cicestriam* petere summonitum nec venientem
 “interdictum a vobis insinuastis; et ob hanc causam Regem
 “*Stephanum* per *Rotbertum de Cornuilla*, clericum suum, vobis
 “coram illo hæc determinanda diem præfixisse; vosque ibidem
 “nullo ex parte Abbatis vobis obvio convenisse, sicque inde
 “recessisse, Abbas e contrario refert, se scilicet coram Rege
 “*Stephano*, die statuta, præsentibus Episcopis, *Wintoniensi*
 “scilicet et *Heliensi*, necnon et Abbate *Westmonasterii* et etiam
 “Baronibus nonnullis, in capella ejusdem Regis, juxta *Turrem*
 “*Lundoniæ* sitam, convenisse: atque ibi a venerabili *Wintoniensi*
 “Episcopo, cartis et scriptis suæ Ecclesiæ perlectis, Rege sibi
 “suggerente, se capellæ suæ, Abbatiae scilicet de *Bello*, ubique
 “protectorem fore, vosque super hoc convenire, atque omnia inter
 “vos pacificare, ad propria, ipso præcipiente, reversus est. Ad
 “sinodum vero, summonitione aliqua, nisi spontaneæ [voluntatis]

against him; you, indeed, never expected that he, though he walked in simplicity of countenance, would have been able to regard you with a favourable eye, because of what you had done—a thought prompted perhaps by the prickings of conscience. As regards the statement which you have made, saying that you had interdicted him after his failure to appear at the synod at *Chichester* when summoned by you, and that for that reason King *Stephen*, by means of *Robert of Corneville*, one of his clerks, had appointed a day for you on which this dispute was to be settled in his presence and that you attended, while no one representing the Abbot came to meet you, and so you withdrew; the Abbot on the other hand states that he came on the appointed day to the presence of King *Stephen* to the chapel of this same King, situated near the *Tower of London*, and that there were present the Bishops of *Winchester* and *Ely* as well as the Abbot of *Westminster* and some Barons. And when the charters and writings of the Church of *Battle* had been read out by the reverend Bishop of *Winchester* and when the King suggested that he would everywhere be the protector of his own Abbey of *Battle*, and that you and the Abbot should meet and discuss the case and bring to a peaceful issue all matters in which you were in disagreement, at his orders the Abbot returned home. Nor indeed can he be compelled to attend any synod upon any summons unless he should wish to go of his own free will, as the charter, which has been read out, testifies and as the custom, which has hitherto been

“ire voluerit, teste cartâ suâ hic perlecta, et more antiquitatis in Part II.
 “ecclesiâ suâ hactenus conservato, compelli non poterit; unde,
 “ut verum fatear, ire ad sinodum vel non ire, ejusdem juris et
 “spontaneæ voluntatis esse comprobatur: quippe cum vestræ,
 “ut omnibus patet, non subiaceat ditioni, sed liber omnino ab
 “universa vestra existat subjectione. Illum a vobis excommu-
 “nicatum perhibetis. Hoc illi omnibusque suis mirandum
 “videtur, quia tempore Regis *Stephani*, nil hujusmodi super
 “illum presumptione temeraria vos constat egisse: quid igitur
 “hujus nunc domini nostri Regis tempore a vobis actum sit
 “incognitum habet; præsertim cum *primo* regni sui anno, ipso
 “Domino nostro Rege in ecclesia Sancti *Petri Westmonasteriensi*,
 “vobis utrisque cum aliis multis præsentibus, missam audiente,
 “ubi ventum est ad *pax Domini*, vos, ut moris habetur, pace a
 “sacerdote accepta; Domino Regi attulistis, atque Abbati vobis
 “statu propinquiori juncto postmodum ejusdem pacis osculum,
 “non ut excommunicato, sed ut filio ecclesiæ et Christiano
 “tribuistis.”—Ad hæc Episcopus—“Si in hoc, aut animo inscienti
 “vel nonnullis, ut multotiens provenit, cogitationibus occupatum,
 “temerarie constat me deliquisse, mea culpa, peccatum meum

And with respect to the excommunication, the Chancellor argues as if he doubted the fact, alleging that on the occasion when the Bishop gave the Kiss of Peace to the Abbot he did not treat him as a person excommunicated, but as a brother.

Upon which the Bishop seems to confess that he did so, but without consideration.

observed from olden times in his Church, sanctions; wherefore, to speak the truth, it is conclusive that his attendance or non-attendance at the synod is a matter of his own right and his own free will, seeing that it is clear to all of us that he is not subject to your jurisdiction but is entirely free from all subjection to you in every respect. You state that he was excommunicated by you. This seems strange to himself and all his friends, because, in the time of King *Stephen*, you certainly did not do anything rash and presumptuous against him of this sort. What has been done by you in this matter in the time of our present Lord King, he knows not, especially since in the *first* year of his reign, when this our Lord King was hearing mass in the church of St. *Peter at Westminster*, while you both, and many others with you, were present, when the *Pax domini* was reached, you, as is the usual custom, having received the *pax* from the priest, did pass it to the Lord King and did afterwards bestow on the Abbot, as next to you in rank, that same kiss of peace, not as to a man excommunicated, but as to a son of the church and a Christian.” Whereupon the Bishop said:—“If it is clear either through lack of consideration or because my mind was occupied with other thoughts, as often happens, that I in this matter have thoughtlessly gone astray, I acknowledge my fault

Part II. "Domino meo Archiepiscopo confessus, penitentia mihi ab eodem
"injuncta delictum illud diluam."

Thomas à Becket resumes his discourse, and argues that the Charters do not infringe the dignity either of the Archbishopric of Canterbury or of the See of Chichester, they having been confirmed by the King, his Prelates, and Barons;

justifies the conduct of the Abbot when cited to appear before the Chapter;

(39.) "In cartis Ecclesiæ suæ de *Bello*,"—Cancellarius inquit—"quæ capella regis propria omnibus esse patens est, "contra *Cantuariensis* ecclesiæ vel etiam vestræ, *Cicestrensis* "scilicet, dignitates, nil novi insitum, omnibus quam maxime "præclarissimum est. Ab inclito enim Rege *Willelmo* eadem "ecclesia constructa, maximis et præclaris dignitatibus, *Lanfranco* "*Cantuariensi* Archiepiscopo, aliisque Episcopis, Abbatibus "Baronibusque nonnullis, juxta coronæ *Angliæ* dignitatem, cum "Rege suo confirmantibus, ecclesia prædicta confirmata est. "Quas etiam usque hodie inviolabili jure tenuisse comprobatur, "quas etiam præcepto domini Regis, coram domino nostro Archi- "episcopo *Cantuariensi* non vobis pessima ingerendo sed ratione "vigenti, easdem a vobis peremptorias judicatas defendendo, ut "regales, nobis audientibus, retinere cupiebat. In capitulo vestro "*Cicestrensi* eundem hoc anno, absentibus vobis, superbe intrasse, "et vos multis modis ibidem dijudicasse opponitis; quod evidenti "ratione, non superbe, ut asseritis, sed coactus et pacifice se hoc

and after I have made confession of my sin to my Lord Archbishop, I will expiate my fault with any penance that he may impose on me."

(39.) "In the charters of his Church of *Battle*"—continued the Chancellor, "which is, as we all well know, the King's own chapel, that nothing new has been inserted which is prejudicial to the dignities of the Church of *Canterbury* or of your Church of *Chichester*, is as evident as it possibly could be to all of us. For that church, built by the renowned King *William*, has been strengthened by great and glorious dignities, by the King himself, suitable to the dignity of the *English* crown, which *Lanfranc* Archbishop of *Canterbury*, and other Bishops, Abbots and Barons, have confirmed. Now these dignities this church has been proved to have held with inviolable right up to the present day, and these dignities she wished to retain, by the King's precept before our Lord the Archbishop of *Canterbury*, not with any evil designs against you, but to defend by sound reason as royal rights, those same privileges which you have, in our hearing, adjudged as null and void. You assert that this year in your chapter-house at *Chichester* the Abbot entered arrogantly in your absence and there censured you in many ways; he proves with conclusive argument that he did not conduct himself with arrogance,

“egisse demonstrat. Duo namque Decani vestri, *Lewensis* Part II.
 “scilicet et *Hastingensis*, cum quinque sacerdotibus in testi-
 “monium, in Quadragesimæ initio *Bellum* venientes, litteras
 “domini Papæ *Adriani* a vobis, ut rei veritas est, perquisitas,
 “Abbati protulerunt: summonentes eum etiam ex parte ipsius
 “Papæ ut *Dominica*, quæ dicitur *Lætare Jerusalem, Cicestriam*
 “veniret, ibi auditurus ejusdem domini Papæ precepta. Quia
 “vero, domino nostro Rege in transmarinis partibus tunc consti-
 “tuto, illum super hoc adire nequibat, cum domino nostro
 “*Cantuariensi* Archiepiscopo et quibusdam amicis suis consilio
 “communicato, *Cicestriam* die statuta petiit, atque in capitulum,
 “domini Papæ auditurus precepta, præsentibus illis duobus
 “decanis et supradictis quinque sacerdotibus, intravit. Ibi
 “etiam illi duo decani, quæ Abbati apud *Bellum* prætulerant,
 “et quæ illis Abbas retulerat, vivâ testificati sunt voce. Ibi
 “clerici vestri, contra auctoritatem Regiæ dignitatis, quædam
 “ab eo exigebant; Abbas vero, ut inducias sibi, quo Dominum
 “nostrum Regem adire atque ejus super hoc consilium et volun-
 “tatem audire posset, darent petiit, sed ipsis renuentibus easdem
 “impetrare nequivit. Verum etiam insuper, hoc a vobis illis

accuses
the Bishop
of having
attempted
to infringe
the royal
authority,
by his ap-
plication to
the Pope.

as you assert, but under compulsion and in a peaceful manner. For
 your two Deans, of *Lewes* and *Hastings*, with five priests to bear them
 witness, came at the beginning of Lent to *Battle*, and delivered to
 the Abbot a letter from the Lord Pope *Adrian*, which, as the truth
 of the matter is, you had procured, summoning him on behalf of the
 Pope himself to *Chichester* on the *Sunday*, which is called *Rejoice, O*
Jerusalem, there to hear the commands of the Lord Pope. Because
 he could not approach our Lord King who was at that time in
 foreign parts, and ask his advice on this matter, he took counsel
 with our Lord Archbishop of *Canterbury* and some of his friends,
 and repaired to *Chichester* on the appointed day and entered the
 chapter-house to hear the commands of the Lord Pope in the presence
 of the two Deans and the five priests mentioned previously. There
 those two Deans declared aloud those injunctions which they had
 conveyed to the Abbot at *Battle* and the answer which the Abbot
 had made to them. There your clerks, acting against the authority of
 the King's dignity, tried to exact from him certain concessions. But
 the Abbot asked them to grant him an adjournment, so that he might
 be able to approach our Lord King and hear his advice and will in
 this matter, but through their refusal to comply he could not obtain
 his request. Moreover they in addition declared that this was the

Part II. "impositum, neque aliud quam illis præceptum extiterat agere
 "potuisse, testati sunt. Hoc modo Abbas inde recedens omnia
 "Domino Regi, ut erant, per nuntium suum significavit. Do-
 "minus vero noster Rex, vobis, utrisque dico, super his diem
 "præsentem constituit."

The King expresses great indignation at the conduct of the Bishop in procuring the Papal Rescript or Bull.

The Bishop denies that the Bull was procured with his knowledge or assent, and insinuates that it was obtained at the instance of the Abbot himself.

(40.) Tunc Rex, vultu mutato, Episcopum respiciens dixit—
 "Numquidnam litteras has ut hic recitatum est perquisistis?
 "Super fidem et sacramentum quod mihi debetis, ut veraci hoc
 "mihi proferatis sermone præcipio." Episcopus vero—"Super
 "fidem et sacramentum quod vobis feci ut Domino, has litteras
 "nec per me neque per alium quemlibet, me sciente, excellentia
 "vestra noverit esse perquisitas: verum Abbas quendam ex
 "clericis suis *Romam* nuper mittens, me ibidem in curiâ
 "*Romanâ* multum nimiumque diffamavit. Ego autem in illâ
 "curiâ omnibus notus sum, et cujus honestatis vel moralitatis
 "sim omnibus ibidem commanentibus haud incognitum est: per
 "illum enim ibidem me infamari impossibile est; fortuitu ergo
 "per illum litteras illas sibi perquisivit." Tunc Rex—"Mirum
 "et nimium stupendum videretur, Abbatem videlicet contra

command which you had laid on them and that they were not able to act otherwise than they had been commanded. The Abbot, departing thence, sent a messenger to the King and made known to him in this way the facts as they stood. Our Lord King therefore appointed this day for you (I mean, both of you) to discuss these matters."

(40.) Then the King's face changed and looking round on the Bishop, he said :—"Did you really procure these letters, as has here been alleged? By your sworn allegiance which you owe me, I command you to answer me truly in this matter." Then the Bishop replied :—"By my allegiance and the oath which I made to you, as to my Lord, let your Excellency know that these letters were never asked for by me or by any one with my knowledge; but the Abbot did lately send one of his clerks to *Rome* who did spread many grievous and evil reports of me in the *Roman* Court. But I am known by all in that Court, and the honesty and integrity of my character is not unknown to all those who dwell there. It would therefore be impossible for him to hurt my reputation there; perhaps indeed he procured these letters for himself by means of that messenger." Then the King said :—"It would indeed seem a wonderful and marvellous thing that the Abbot should wish to ask for such a thing if the

“se suamque Ecclesiam hæc, si ita se res habet, perquirere Part II.
 “voluisse.” His Cancellarius subjecit—“Si alio modo quam a
 “vobis ut hic relatum est, has litteras perquisitas probare voluerit
 “dilectio vestra, Abbas en præsens est, litteras in manu tenens.
 “Legantur litteræ, videatur quorsum illarum vergat intentio;
 “sicque rei veritas comprobabitur.” Archiepiscopus autem au-
 diens Episcopum litteras ab eodem perquisitas coram omnibus
 denegasse, sciens omnia ut erant, et quod litteræ ab eodem
 Episcopo perquisitæ fuissent, signo crucis pro nimia admiratione
 se signavit.

The King intimates that he does not believe this statement to be true. Thomas à Becket desires that the Bull may be read, in order that its tendency may be understood; and the Archbishop of Canterbury testifies his astonishment at the Bishop's assertion.

(41.) Tunc Cancellarius—“Non solum duntaxat de his
 “litteris, Dominus noster Rex veritatem scire proposuit, verum
 “etiam si alias quaslibet litteras vos aut alium quemlibet per
 “vos in præsens vel in posterum Abbati aut ecclesiæ de *Bello*
 “nocivas noveritis possedissee, ut in medium proferatis præcipit.”
 Episcopus vero neque litteras illas præsentis nec alias quaslibet
 vel alius quislibet per ipsum Abbati vel ecclesiæ de *Bello* tunc
 aut in posterum nocivas jurejurando affirmabat, mirantibus
 omnibus, habuisse.

Thomas à Becket inquires, in the King's name, whether the Bishop has obtained any other Bulls which were injurious to the Abbot, and which the Bishop denies.

fact is so, seeing that it was to his own disadvantage and to that of his Church.” Then the Chancellor submitted the following proposal :—
 “If your Grace should wish to prove that the letters have been procured in any way other than that which has been here alleged, lo! the Abbot is present and holds the letters in his hands. Let them be read; let it be seen to what end their purport tends, and thus the truth of the matter will be proved.” But the Archbishop, on hearing the Bishop deny, in the presence of all, that the letters had been procured by him, knowing all the facts of the case and that the letters had been procured by the Bishop, made the sign of the cross to show his great astonishment.

(41.) Then the Chancellor said: “Not only in this instance, as regards these letters, does our Lord King propose to know the truth, but he also orders you to produce any other letters that you know that you or any one else on your behalf possesses to the detriment of the Abbot or Church of *Battle*, either at the present time or in the future.” But the Bishop, to the great surprise of all, assured them on his oath, that neither he, nor any one else through him, had obtained the present letters or any others which were to the detriment of the Abbot or church of *Battle*, then or in any future time.

Part II.

The Archbishop of Canterbury requests the King to allow the business to be ended according to the course of the Canon Law; but the King refuses to allow the Clergy to determine the question.

The King withdraws with his Court, leaving the Bishop and the Abbot by themselves. The Bishop is sent for, and is admitted to a conference with the King; the Abbot is then introduced.

(42.) His tali modo coram domino Rege habitis, Archiepiscopus *Cantuarie* Regi dixit—"Præcipiat excellentia vestra nos "super his quid faciendum sit consilio retractare atque ordine "judiciario consuetudinis ecclesiasticæ determinare." "Non ita," —inquit Rex—"hæc per vos determinari præcipiam: verum ego "vobis comitantibus, consilio super his habito, fine recto con- "cludam." Hæc dicens surrexit, et in cimiterium monachorum omnibus secum præter Episcopum et Abbatem comitantibus secessit. Consilio igitur communicato, misit Rex pro Episcopo. Qui veniens, atque cum aliis residens, multis super his cum eodem habitis, tandemque termino finali conclusis, Rege præcipiente, *Henricus de Essexia* Abbatem cum monachis suis adduxit. Quo cum aliis residente, Rege innuente, Episcopus omnibus audientibus sic locutus est:

(43.) "Ego *Cicestrensis* Præsul ecclesiæ, o Rex excellentissime, "ecclesiam de *Bello* sicut vestram dominicam et propriam capel- "lam, in qua et super quam nil juris habere juste possum vel "debeo, ab omnibus rebus vel calumniis a me illi hactenus "oppositis quietam et omnino clamo liberam. Abbatem etiam

(42.) When the matter had been thus discussed in the presence of the lord King, the Archbishop of *Canterbury* said:—"Let your Excellency command that we reconsider what is to be done in this matter and that we bring it to a termination by treating it in accordance with the practices pertaining to the Courts of Ecclesiastical Law." Then said the King:—"I will not so order this matter to be settled by you; but I will take counsel with you and bring the matter to a proper conclusion." With these words, he arose and withdrew to the cemetery of the monks, accompanied by all the Court save alone the Bishop and the Abbot. When therefore they had taken counsel, the King sent for the Bishop; and when he came and had taken his seat with the others, and when many words had passed with him in this matter, a conclusion was finally reached, and *Henry of Essex* at the King's bidding brought in the Abbot and his monks. When he had taken his seat with the others, the King nodded and the Bishop thus spoke to all who were present to hear:

(43.) "I, the Bishop of the church of *Chichester*, O most excellent King, quit claim and free the church of *Battle* (seeing that it is your demesne and own chapel, in which and over which I cannot and should not justly have any right) from all the matters and demands heretofore put forward by me. At the same time I absolve the Abbot

“absolvens, sicut illum cui vinculum anathematis injuste imposui, **Part II.**
 “quia nec potui juste nec debui; a quo etiam, dignitate suâ et
 “suæ ecclesiæ præcellente, nil nisi interveniente caritatis gratiâ
 “exigi potuisse vel debuisse me protestor; atque a die hodierno
 “in perpetuum ab omnibus Episcopalibus exactionibus et consue-
 “tudinibus simili modo proclamo liberum.” Ad hæc Rex—
 “Non coactus sed voluntarie hoc te fecisse et protulisse con-
 “stans est.”—Episcopus—“Verum est, me hoc voluntarie, justa
 “ratione cogente, fecisse necnon et protulisse.” Tunc Archi-
 episcopus—“Justa, Domine Rex, his determinatione conclusis,
 “omnes vestram una deprecamus clementiam, quatenus si qua
 “contra vestræ celsitudinis indebita dignitatem, imprudenti vide-
 “tur Episcopus protulisse sermone, nobis flagitantibus, pacis
 “osculo prælibato, vestra indulgere illi dignetur clementia.”
 “Non solum,”—Rex inquit,—“semel tantummodo pacis osculum,
 “sed omnia illi si qua sunt indulgens, centies vestris precibus atque
 “ipsius dilectione flexus tribuam.” Assurgensque atque amplexus
 Episcopum deosculatus est. Archiepiscopus—“Nunc igitur Epis-
 “copus et Abbas ut amici se deosculando, pacis fœdus inter se

Acknowledgment made by the Bishop before the King, in which he renounces all jurisdiction over the Abbot.

The King commands the Bishop to acknowledge that his submission was voluntary and not enforced.

The Archbishop induces the King to pardon any imprudent expressions used by the Bishop.

as one upon whom I laid the bond of excommunication unjustly, seeing that I had no power or just right to do so. I also protest that I had no power or right to exact from him anything except as an act of grace, owing to the high estate of him and his church; and from this day forward, I proclaim him in like manner free from all episcopal exactions and customs.” Whereupon the King adds: “It is understood that you have made and brought forward this submission through no act of compulsion but of your own free will”—Whereupon the Bishop replied:—“It is true that I have made and brought forward this submission of my own free will and urged thereto by just reasoning.” Then the Archbishop said:—“My Lord King, now that this matter has been brought to a just conclusion, we one and all beseech your clemency, that if the Bishop should appear to you to have used in imprudent speech any words which were derogatory to the dignity of your highness, that your clemency be pleased to grant him indulgence in answer to our earnest demands, when the kiss of peace has been first given.” Then said the King:—“Not merely once only will I bestow on him the kiss of peace, but a hundred times, and will pardon him also for any faults of his, moved thereto by your prayers and by my love of him.” Whereupon he arose and embracing the Bishop kissed him. The Archbishop then said: “Now therefore let the Bishop and Abbot kiss one another as friends,

Part II. “vestra confirmatione retinentes, in posterum in pace permanent.” Tunc Episcopus et Abbas, Regis præcepto se deosculantes, Archiepiscopo signo crucis super illos faciente, pacis et dilectionis fœdere juncti, concordēs effecti sunt. Archiepiscopus — “Adhuc quiddam restat, quod in hac scilicet pacis et dilectionis “concordia venerabilis Abbatis frater, *Ricardus de Luci*, Episcopo “jungatur.” Qui illico, Rege præcipiente, utpote vir modestiæ atque prudentiæ virtute insignis, Episcopo pacis osculum, oblitis occasionibus omnibus, prælibavit. His itaque rite perfectis, omnibus de pacis dilectione inter illos hoc modo confirmata congruentibus, Rex ad alia negotia sua inde recedens tetendit perficienda. Abbas vero ad propria, Rege concedente, reversus est; Dominum JESUM CHRISTUM et beatissimam *Mariam* matrem ejusdem, necnon et beatum CHRISTI confessorem *Martinum*, qui nunquam deserit sperantes in se, cum suis collaudans, et gaudio magno pro voto suo exultans adeptus.

(44.) Hoc igitur fine et termino finali, res ista diu in dubio posita, in præsentia Domini nostri regis *Henrici Secundi*, præ-

so that they may abide in friendship for ever, holding fast this bond of peace with your approval.” Then the Bishop and the Abbot kissed one another at the command of the King, while the Archbishop made the sign of the cross over them; thus they were joined in the bond of peace and love and were reconciled. The Archbishop again said:—“It still remains that *Richard de Luci*, the brother of the reverend Abbot, be joined in this concord of peace and love with the Bishop.” He, thereupon, at the bidding of his King, as a man who was distinguished for his surpassing modesty and prudence, offered the Bishop the kiss of peace, thereby obliterating all remembrance of former quarrels. And so when all these ceremonies had been duly performed, while all the court rejoiced at the peace and friendship thus established between them, the King departed thence and went his way to perform some other business of his own. The Abbot, however, with the King’s permission, returned to his own home, together with his monks, praising our Lord JESUS CHRIST and the most Blessed *Mary*, his mother and the Blessed *Martin*, the confessor of CHRIST, who never deserts those who trust in him, and rejoicing with great joy that his prayer had been heard.

(44.) In this way therefore and with this conclusion, a matter, which had long been in dispute, was settled at *Colchester* on *May 28th*,

sente etiam *Theobaldo Cantuariensi Archiepiscopo, Rogero Ebo-* **Part II.**
racensi Archiepiscopo, Ricardo Londoniensi Episcopo, Roberto Names of
Lincolniensi Episcopo, Roberto Exoniensi Episcopo, Silvestro Members of
Abbate Sancti Augustini Cantuariæ, Gausfrido Abbate Hol- the Court of
miensi, Thoma Cancellario Regis, Roberto Comite Legacestricæ, Henry II.
Patricio Comite Saresburicæ, Henrico de Essexia Regis Tribuno, present at
Ricardo de Luci, Raginaldo de Warennæ, Guarino filio Geroldi; the settle-
præsente quoque ipso Cicestrensi Episcopo Hilario, et eodem ment of the
Abbate prænominato Waltero, et aliis tam clericis quam laicis dispute,
multis, v Kalendis Junii apud Colecestriam determinata est. 28 May,
1157.

in the presence of our Lord King, *Henry the Second*, and in the presence also of *Theobald*, Archbishop of *Canterbury*; *Roger*, Archbishop of *York*; *Richard*, Bishop of *London*; *Robert*, Bishop of *Lincoln*; *Robert*, Bishop of *Exeter*; *Silvester*, Abbot of *Saint Augustine's* of *Canterbury*; *Gausfrid*, Abbot of *Holme*; *Thomas*, the King's Chancellor; *Robert*, Earl of *Leicester*; *Patrick*, Earl of *Salisbury*; *Henry of Essex*, the King's Constable; *Richard de Luci*; *Reginald of Warennæ*; *Warin*, the son of *Gerold*; while *Hilary* Bishop of *Chichester* himself and the Abbot, the afore-named *Walter*, and many other folk, both of the clergy and laity, were also present.]

Part II.

II.

*Pleadings concerning Right of Wreck in Dengemarsch*¹.

Vessel
belonging to
Romney
wrecked on
Denge-
marsh,
the crew
being saved.

Ancient law
of wreck.

How altered
by Hen. I.

(1.) SUB iisdem itaque diebus, (anno *MCXXXIX*°. aut circa) tempestate prævalente, contigit navem quandam variis sumptibus refertam, de *Rumenel*, terra Archiepiscopi *Cantuariensis*, super terram ecclesiæ de *Bello* in *Dengemareis*, membro de *Wi*, confractam, hominibus vix evadentibus, jactari. Sciendum autem est hoc pro lege ab antiquitate per maris littora observatum; ut, navi fluctibus contrita, si evadentes infra statutum terminum et tempus eam minime reparâssent, navis et quæcumque appulsa forent absque calumnia in dominium terræ illius, et in werēc cederent. Sed supra memoratus Rex *Henricus*, hanc abhorrens consuetudinem, tempore suo, per imperii sui spatia edictum proposuit, quatenus, si vel unus e navi confracta vivus evasisset, hæc omnia obtineret. Verum quum novus Rex cedit, et nova lex; nam, defuncto eo, regni primores, edicto recente pessumdato, morem antiquitatis observatum sibimet usurpârunt; unde factum

[(1.) About this same time (in the year 1139 or thereabout), while a storm was raging, it happened that a certain ship, laden with a mixed cargo, sailing from *Romney* (land belonging to the Archbishop of *Canterbury*) was cast up a wreck on land belonging to the church of *Battle* in *Dengemarsch*, which is a member of *Wye*, the crew having been saved with great difficulty. It should be known, however, that the law observed from remote times along the coast was that when a ship was battered by the waves, if those who escaped from her failed to repair her within a fixed limit of time, the ship and whatever was washed ashore from her were to be yielded to the lordship of that place without challenge, and as "wreck." But the aforesaid King *Henry*, disliking this custom, in the course of his reign published an edict throughout the length and breadth of his kingdom to the effect that if even one person escaped alive from a wrecked ship, he should have ship and cargo. But when a new king accedes there is also a new law; for on King *Henry's* death, the magnates of the realm, throwing over the recent edict, resumed the custom which had been observed from of old. Wherefore,

est ut homines de *Dengemareis*, secundum maritimas consuetudines et regales dignitates ecclesiæ *Belli*, prædictum werec vi obtinerent: quo agnito, Archiepiscopus curiam adiens, coram Rege, de Abbate de *Bello*, quod in hac re vi et hostilitate usus fuisset. querimoniam fecit.

Part II.

Vessel seized by the men of Dengemmarsh, in consequence whereof the Archbishop comes before the King (Stephen) and prefers his complaint.

(2.) Nec mora, Rex Abbatem mandans coram se venire fecit. Quibus a conventu nobilium apud regiam ventilatis curiam, cum studio et arte *Willielmi de Ypra*, qui *Cantiæ* comitatum tunc possidebat, Rex quoque Archiepiscopo favens, Abbatem ut pacis transgressorem arguebat, quod scilicet contra Regis *Henrici* sancita fecisset. Post plurimam utrinque controversiam, tandem sic curia sedatur; nam Abbas, ratione usus premeditatâ, Regem *Henricum* pro libitu antiqua patriæ jura mutare in diebus suis posse testificatus est, sed non nisi communi Baronum regni consensu in posterum rata fore; unde si, id unum [quod] calumnibatur, suæ dignitatis compatriotæ, Barones scilicet qui aderant, cum regalis curiæ assensu concessissent, et ipse libens cederet. Cumque præsentis regni Primores hæc uno ore

The King orders the Abbot to appear before him in his court.

The Abbot admits that Henry I. could alter the custom of the country during his own reign; but that such alteration, not being made

it came about that the men of *Dengemmarsh*, according to the custom in vogue along the coast and in accordance with the royal franchise of the church of *Battle*, seized by force the wreck mentioned above. But when this became known, the Archbishop repaired to Court and laid a complaint before the King in person concerning the Abbot of *Battle*, because he had done an act of violence and enmity in this matter.

(2.) Without delay, the King summoned the Abbot to his presence. When the facts had been discussed by the meeting of nobles at the King's Court, the King, owing to the zeal and cleverness of *William of Ypres*, who at that time possessed the Earldom of *Kent*, and also favouring the Archbishop, accused the Abbot of being a breaker of peace, seeing that he had acted contrary to what had been sanctioned by King *Henry*. After a prolonged discussion on both sides, the Court was at length reduced to calm in this way: for the Abbot using an argument over which he had meditated, declared that King *Henry* could alter the ancient laws of the country as much as he liked during his own reign, but that they would not be binding on posterity, without the common consent of the Barons of the realm, wherefore if his fellow countrymen of his own rank, that is to say the barons who were present, should, with the assent of the royal court, grant the single point at issue, he himself

Part II.

with the consent of the Barons, did not endure beyond his life.

The Abbot is allowed his Court.

contradicerent, in communi tandem decretum est, ut, eâdem soluta curiâ, Abbas regia dignitate, hinc suam nactus curiam, apud *Dengemareis*, die denominato, hominibus Archiepiscopi advenientibus omnem rectitudinem teneret. Sed in hoc conventu, verbum memoriale, quo magis regius emollitus est animus, providum dixisse Abbatem contigit.

(3.) Nam cum argueretur, ad Regem conversus intulit—"Nunquam"—inquiens—"te diutius, O Rex, coronam Angliæ "ferre Deo sit placitum, si tantillam ecclesiæ nostræ libertatem, "a Rege *Willielmo* et ab aliis antecessoribus tuis Regibus datam, "et observatam destruxeris." Verum, Abbate diem constitutum observante, ante diem sequentem ex parte Archiepiscopi nullus advenit; unde transgressionis iudicio obmutescentes cum frustrati discessissent, iterum ad regias aures hujus rei querimonia ab Archiepiscopo delata est. Abbas iterum mandatus advenit, causisque expositis, a communi consensu adjudicatum est, Abbatem suam causam dirationâsse, nec ab Archiepiscopo hinc aliquam calumniam ulterius pati debere: atque, in his,

would willingly yield. When the magnates of the realm who were present unanimously refused this, it was finally decreed by consent that when this court was dissolved, the Abbot, in virtue of the royal franchise, having obtained his Court should at *Dengemarsch* on an appointed day fully answer the claims of the men of the Archbishop who should come there. But it happened at this meeting that the far-seeing Abbot made a memorable speech which tended greatly to soften the King's animosity.

(3.) For when he was pleading his cause, he turned towards the King and addressed him saying:—"May it never seem good to God that you should wear the crown of England any longer, if you diminish by ever so little the liberty of our church, granted and observed by King *William* and other kings your predecessors." The Abbot, indeed, observed the appointed day, but none came on the part of the Archbishop until the following day. Whereupon when they (who then came) had departed frustrated, silenced by the judgment pronounced in default, a complaint of this affair was again brought to the King's ears by the Archbishop. The Abbot again came when summoned and when the case had been stated, by common assent it was decided that the Abbot had proved his case, and that he ought not to be subject then to any further claim by the Archbishop. And thereupon, on the dissolution

soluta curia, singulis in sua regressis, reverendus Abbas hæc **Part II.**
omnia unde agitur pro libitu disponens, aliquibus sumptibus
qui appulsi fuerant, Archipræsulem et suos pacificavit, præcipua
tamen sibimet et suæ ecclesiæ de *Bello* retinuit; sicque hujus rei
querimonia quievit.

of the Court, they returned each to his own, the reverend Abbot
disposing at his will of the things at issue, appeased the Archbishop
and his men with some of the cargo which had been driven on shore,
but nevertheless retained the choicest parts of it for himself and
his church of *Battle*. Thus the quarrel over this affair died down.]

Part II.

III.

How Abbot Walter recovered certain Lands in Bernehorn¹, which had been unjustly usurped by Gilbert de Baillol².

Abbot Ralph purchases land of Ingelrannus Becchenerider, the Man, or vassal, of Withelard de Baillol; to which purchase Withelard himself adds a gift of a portion of the adjoining marsh,

gift confirmed by Henry I. and by Henry, Count of Eu, Withelard's chief Lord.

(1.) DUM adhuc Anglorum gubernacula teneret inclytus Rex *Henricus*, nobilissimi Regis *Willielmi*, *Anglicæ* monarchiæ conquisitoris et ecclesiæ Sancti *Martini de Bello* fundatoris, filius, felicis memoriæ Abbas *Radulfus*, qui tunc temporis eidem ecclesiæ præerat, a quodam *Ingelranno* cognominato *Beccheneridere*, homine *Withelardi de Baillol*, ipso *Withelardo* consentiente, tres wistas terræ in *Bernehorne*, dato pretio comparavit. Addidit autem gratis de proprio idem *Withelardus* quandam partem terræ in marisco, præfatis tribus wistis contiguam; et tam ab homine suo, *Ingelranno* scilicet, comparatam; quam et donum proprium eidem ecclesiæ de *Bello* concessit. Et ut eadem terra omnino libera ab omni servitute et ab omnium hominum calumniâ in perpetuum eidem ecclesiæ remaneret, a jam dicto magnifico Rege *Henrico*, et a Comite *Augi Henrico*, Domino ejusdem *Withelardi*, confirmata est.

[(1.) While the renowned King *Henry* was still holding the reins of the government of England—i.e. *Henry* the son of the most noble King *William*, who had gained the *English* monarchy and had founded the church of St. *Martin of Battle*—Abbot *Ralph*, of happy memory, who at that time presided over this same church, bought at a stated price three wistas of land in *Bernehorne* from a man called *Ingelram Becchenerider*, a vassal of *Withelard de Baillol*, with the consent of *Withelard* himself. Moreover this same *Withelard* added as a gift from his own property a certain portion of land in the marsh adjoining the three wistas before mentioned, and granted to the church of *Battle* both the land purchased from his vassal, that is to say *Ingelram*, and also that portion which he gave as his own gift. And in order that the same land should remain to the same church for ever free from all bondage and from the claims of all men it was confirmed to it by the said illustrious King *Henry*, and by *Henry*, Count of *Eu*, the lord of the said *Withelard*.

(2.) Cum vero, multo jam labore, multisque expensis in Part II. domibus, in agriculturis instaurata esset eadem terra, molen- Under Abbot
dino etiam optimo in marisco facto, jamque plurimum commodi Warner, the
expectaretur; præcipue cum esset ecclesiæ contigua, quasi quin- mesme Lord
que millibus distans, Abbate *Radulfo* huic vitæ finem faciente, et (Baillol)
Warnerio succedente, Dominus fundi eundem Abbatem *War-* attempts to
nerium convenit, frequenter ab eo plurima exigens, tanquam exact pay-
pro beneficii recompensatione. Sed cum Abbatem jam tæderet ments for
ejus exactionum, reputans ne forte mala exinde traheretur con- the land,
sequentia, jamque ea quæ idem fundi Dominus frequenter and at last
exigebat, fructus a jam dicta terra provenientes viderentur he enters
excedere, Abbas manum omnino retraxit; nec se de cætero into
hujusmodi vexationibus et exactionibus velle subjacere con- possession;
stanter asseruit. Cernens idem exactor, se quæsita pro velle and grants
assequi non posse, totam præfatam possessionem quasi in jus an hypothe-
suum redigens, ecclesiæ de *Bello* subduxit, eamque cuidam cation
Hastingsium, *Siwardo* nomine, *Sigari* filio, accepta ab eo thereof to
pecunia, in vadimonium tradidit. Hac itaque violentiâ spoliata Siward, the
est ecclesia, non tantum terra ipsa, sed et expensis, et omnibus son of *Sigar*.

(2.) When this same land had been brought into good condition by much hard work and at great expense in the matter of dwellings and tilling, and when in addition a splendid mill had been built on the marsh and great profit was now being expected (especially as this land was quite close to the church, being about five miles distant from it), Abbot *Ralph* died and *Warner* succeeded him. The lord of the property then approached Abbot *Warner* and demanding from him repeatedly many things as in payment for the gift of land that he had received. But when the Abbot became tired of paying these exactions, dreading lest by some chance disastrous consequences might arise therefrom, and when it became apparent that the demands, which the lord was repeatedly making, were in excess of the profit derived from the land in question, the Abbot entirely withheld his hand, and stated firmly that he refused to submit in future to annoyances and exactions of this sort. The lord, who was making these exactions, seeing that he could not obtain at his pleasure all that he sought, took the whole of the above-mentioned property away from the church of *Battle* as though he was bringing it back again to his own right, and gave it by way of mortgage to a certain man of Hastings, by name *Siward* the son of *Sigar*, on receipt of a sum of money from him. By such an act of violence therefore was the church robbed not only of its land but also of the money expended on it

Part II. quæ tunc temporis in ipsa reperta sunt. Quod cum satis ægre
 but Henry I. Abbas et ejus procuratores acceperant, et hinc magnas et
 dying in parts multimodas querimonias movissent, domino Rege *Henrico* in
 beyond the seas, no transmarinis partibus ab hac vita subtracto, nullam juris sui
 redress is obtained. restitutionem habere potuerunt.

Turbulence
 of the reign
 of Stephen;
 Abbot
 Warner
 not only
 unable to
 obtain
 justice, but
 suffers
 further
 spoliation.

(3.) Succedente Rege *Stephano*, cujus temporibus justitia minus prævalente, qui plus poterat plus faciebat, sicque interdum cedebat unicuique pro jure quod quoquo modo diripisset, ecclesia Sancti *Martini de Bello* non modo prædictum tenementum de *Bernehorne*, sed et alia perplurima sui juris violenter sublata recuperare nequivit, licet frequenter inde moveretur calumnia.

Abbot
 Walter
 prefers his
 plaint to
 Henry II.
 who orders
 a Writ of
 Right¹, Ne
 amplius,
 &c., to issue,
 addressed to
 John, Count
 of Eu, the
 Chief Lord
 of the Fee.

(4.) Succedente post decessum Regis *Stephani* inclyto Rege *Henrico*, prioris *Henrici* nepote, qui avita tempora renovaret, cum jam *Warnerius* Abbas cessisset, eique vir venerabilis Abbas *Walterus* successisset, idem Abbas *Walterus* quo Regi familiaris fieret obtinuit, sicque coram eo super jam dicto tenemento de *Bernehorne*, querimoniam movit. Rex igitur, ad Abbatis instantiam, litteris suis *Johanni*, tunc Comiti *Augi* præcipiendo mandavit,

and of all that at that time lay on this land. The Abbot and his proctors were exceedingly vexed at this and preferred many various complaints against such an act, but as the lord King *Henry* had died in parts beyond the sea, they were not able to obtain any restitution of their rights.

(3.) On the succession of King *Stephen* in whose reign justice was hard to obtain, and when he who was the more powerful was the more successful and so whatever a man had filched by any manner of means sometimes became his property as if by right, the church of St. *Martin of Battle* was not only unable to recover the said holding of *Bernehorn* but also many other properties which belonged to her as of right and had been forcefully taken from her, though complaints were constantly being brought before the authorities touching this matter.

(4.) After the death of King *Stephen*, the renowned King *Henry*, the grandson of *Henry* the First, succeeded to the throne and revived the days of his grandfather. When the Abbot *Warner* resigned and had been succeeded by a venerable man, the Abbot *Walter*; the latter acquired the friendship of the King and so brought before him a complaint about the said holding of *Bernehorn*. The King therefore, at the instance of the Abbot, sent a writ to *John*.

ut Abbati super prædicto tenemento plenum rectum teneret, **Part II.**
aut, si non faceret, Vicecomes *Sussexiæ* hoc faceret, ne Rex inde
amplius clamorem audiret. *Gilebertus* vero de *Baillol*, qui tunc
temporis dominus fundi videbatur, super hoc multis modis
conventus, et per Comitem, Vicecomitem, Abbatem, et suos
requisitus, per plurimum tempus actum subterfugit, et ne con-
flictum iniret multipliciter dissimulavit. Unde, licet plurimum
temporis casso labore consumeretur, noluit tamen Abbas cœptis
desistere; sed Dominum Regem, tum per se, tum per suos sæpe
conveniensi, ut causa ipsa in curiam Regiam transferretur tandem
obtinuit. Sed Domino Rege, nunc in *Normanniam* transfretante,
nunc in *Angliam* redeunte, negotiisque propriis insistente, cum
causa eadem coram Justiciis qui vice Regis in ejus Curia præside-
bant diutius ventilaretur, licet Rex, nunc mandatis, nunc præceptis,
Abbati plenitudinem justiciæ frequentissime indiceret exhiberi,
nunquam tamen res digno potuit fine concludi.

Gilbert de Baillol, the mesne Lord, evades the process.

The Abbot, after much instance with the King, procures the removal of the cause into the Curia Regis; but in consequence of the King's absence from England the cause continued long pending, undecided before the Justices who acted as his Lieutenants.

(5.) Domino Rege tandem apud *Clarendonam* moram faciente, post multa adversæ partis subterfugia, post dissimulationes

at that time Count of *Eu*, bidding him do full right to the Abbot with respect to the said holding, and that if he would not the Sheriff of *Sussex* should do so, so that the King should not hear any more complaint thereof. But *Gilbert of Balliol*, who at that time appeared to be the lord of the property, when summoned on this matter in various ways and requisitioned by the Count, the Sheriff and the Abbot and his men, yet evaded the process for a very long time and contrived one subterfuge after another to avoid the action. Whereupon, though a great deal of time had been spent in fruitless efforts, the Abbot was yet unwilling to abandon his purpose, but approaching the Lord King time after time, now in person and again by his men, at last obtained leave for the case to be transferred to the King's courts. But because the Lord King was at one time about to cross the sea into Normandy and at another time about to return to *England* and was engaged on business of his own, the case could never be brought to a satisfactory termination, though it had for a long time been under discussion before the Justices, who were presiding over the court as the King's lieutenants, in spite of the fact that the King both by writs and orders at various times had repeatedly directed that the Abbot was to receive a full measure of justice.

(5.) At length when the Lord King was making a stay at *Clarendon*, after many subterfuges and much dissembling on the part of the

Part II.

The King gives the parties a peremptory day to appear before him in person at Clarendon.

The Abbot appears by his Attornies, Osmund, a Monk of Battle, and Sir Peter de Chriel, or Kiriel.

plurimas, post Abbatis et suorum fatigationes multimodas, utrique parti regiâ indicitur auctoritate, ut, die determinato, regio tribunali apud locum præfatum, sine omni subterfugio et dissimulatione, debeant pariter assistere. Cum igitur excusationi jam locus non esset, adsunt utrinque, Domino Rege pro tribunali residente. Astant in medio unus ex monachis Abbatis, *Osmundus* nomine, et *Petrus de Chriel*, Miles, qui, ab initio totius causæ incipientes, qualiter jam dicta terra de *Bernehorne* ex parte fuerit ecclesiæ Sancti *Martini de Bello* data, ex parte comparata, qualiter post modum ablata, quousque etiam jam per plurimum tempus post litis ingressum transactum processum sit in causa, coram Rege et ejus assessoribus ex ordine exposuerunt: conqueri etiam adjicientes super plurima et dispendiosa negotii dilatione, et Abbatis ac suorum frequenti ac inani fatigatione.

The Chirographs and Charters are read by the King's permission.

(6.) Cum igitur jam nihil esset in quo recordationi prosecutionis causæ possit merito contradici, curia regia in omnibus testimonium perhibente, ex Regis permissione leguntur in omnium audientia chirographa emptionis et donationis, sed et

defendant and many wearisome efforts on the part of the Abbot and his men, both parties received orders from the King to appear together in the King's Court on a specified date at the said place, without any attempt at subterfuge or dissembling. Since therefore there was not any room for evasion, both parties attended and the King took his seat as judge. One of the Abbot's monks by name *Osmund* and *Peter de Chriel*, a knight, stood forth in the middle and, beginning from the outset of the whole case, made known to the King and his assessors, point by point, the way in which the aforesaid land of *Bernehorn* had partly been given to and partly been bought by the church of St. *Martin of Battle*, and how it had afterwards been taken away from it, right up to the time when a plea was entered in court a long time after the commencement of the suit. They added also that they complained of the long and costly delay in the matter, and of the constant and fruitless trouble given to the Abbot and his men.

(6.) Since therefore there was no point in which the case for the prosecution could properly be contradicted and since the King's court requires evidence on all points, the chirographs of purchase and gift, and also the charters of confirmation, were read in the hearing of all by

cartæ confirmationum. Quibus cum quid responderet pars **Part II.**
 adversa minus haberet, *Gilebertus de Baillol*, ne nihil objicere
 videretur, se prædecessorum suorum chirographa audisse, sed
 nulla sigillorum testimonia in eis se appensa causatur videre.
 Quem intuens vir magnificus ac prudens, *Ricardus de Luci*,
 ipsius Abbatis frater, tunc Domini Regis Justicia prima, quærit,
 utrum ipse sigillum habeat? Quo asserente se sigillum habere,
 subridens vir illustris; "Moris"—inquit—"antiquitus non erat
 "quemlibet militulum sigillum habere, quod regibus et præcipuis
 "tantum competit personis, nec antiquorum temporibus homines,
 "ut nunc, causidicos vel incredulos malitia reddebat."

Gilbert de
Baillol
objects
that the
Chirographs
of his
ancestors
are not
under seal.

Richard
de Lucy
over-rules
the ob-
jection, by
stating that
according
to the
ancient
custom
only Kings
and very
great
personages
used seals.

Gilbert de
Baillol then
cavils at
the Charter

(7.) Cumque confirmationi *Henrici* Regis senioris calumniam
 niteretur inferre idem *Gilebertus*, asserens Abbatem et monachos
 Domino Regi non pro equitate sed pro voluntate posse persuadere,
 Dominus Rex propriis manibus cartam et sigillum avi sui Regis
Henrici apprehendens, et ad eundem *Gilebertum* conversus—
 "Per oculos"—inquit—"Domini, si cartam hanc falsam com-
 "probare posses, lucrum mille librarum mihi in *Anglia*

the King's permission. And when the defendants had very little reply
 to make to these, *Gilbert of Balliol*, so as not to appear to have no
 objections to make to them, pleaded that he had heard the chiro-
 graphs of his predecessors read but that he did not see the evidence
 of seals affixed to any of them. Then *Richard de Luci*, a man of
 great power and wisdom, the brother of the Abbot, who was at that
 time the Chief Justice of the Lord King, looked at him and asked him
 if he possessed a seal. When *Gilbert* asserted that he had, this
 illustrious man said with a smile:—"It was not the custom in
 former times that every little knight should have a seal, which
 belongs to Kings and very great persons only; nor in the times
 of our ancestors did malice make men hair-splitters or distrustful
 as it does to-day."

(7.) And when *Gilbert* tried to cavil at King *Henry* the First's con-
 firmation of the charter, asserting that the Abbot and his monks were
 able to persuade the King to confirm it, not from any idea of equity but
 merely because it was his wish, the Lord King taking in his hands the
 charter and seal of his grandfather King *Henry* and turning towards
Gilbert, said:—"By the eyes of the Lord, if you could prove that this
 charter is a fraud, you would confer on me a benefit to the extent of a
 thousand pounds in *England*¹." But when *Gilbert* made very little

Part II.

of Henry
I. upon
which
the King
defends its
validity.

“conferres.” Illo ad hæc aut parum aut nihil respondente, Rex subintulit verbum memoriale—“Si,” inquit, “monachi per “similem cartam et confirmationem hujusmodi jus in præsentī “loco, scilicet *Clarendoniæ*, quem plurimum diligo, se habere “possent ostendere, nil esset in quo eis juste possem contradicere, “quo minus eis omnino dimitteretur.”—Conversus igitur Rex ad Abbatem et suos,—“Ite”—inquit—“et consilio habito invicem “conferte, si forte sit aliquid cui amplius quam huic cartæ velitis “inniti. Non tamen vos puto ad præsens aliam quæsituros proba-
“bationem.”—Abeuntes itaque Abbas et sui, super hoc consilium inituri, cartam suam ad omnem probationem esse sufficientem cognoscentes ex verbis Regis ultimis, quibus dixit, “non vos puto “ad præsens aliam quæsituros probationem,” in præsentīâ Regis et assidentium, habito jam consilio redeunt, se non aliâs inniti, aut aliam quæsituros extra cartam probationem asserunt, nil se majus vel minus extra cartam exigere; super hoc autem se judicium regiæ curiæ expectare. Non habente adversa parte quid responderet, quippe cum cartam falsitatis nec auderet nec posset

or no answer to this, the King added further this memorable statement :
“ If the monks were able to prove by means of a charter and a confirmation exactly similar to this one that they had a right to this place here, *Clarendon* to wit, a place which I dearly love, I could not possibly have any just grounds for refusing to surrender it entirely to them.” Then the King turned to the Abbot and his men and said :—“ Go and take counsel one with another and consider whether there is perchance anything else on which you can base your claim stronger than this charter. Nevertheless I do not think that you will endeavour to find other proof at present.”—The Abbot and his party therefore went away to confer together on this matter, but realising that the charter offered sufficient proof because of the last words the King had spoken, namely :—“ I do not think that you will endeavour to find other proof at present,” when their conference was over, returned and in the presence of the King and his courtiers asserted that they did not rely on any other proof, nor would they endeavour to find any, besides the charter, and that they did not demand anything more or less than what was written in the charter ; that they moreover were awaiting the decision of the King’s court on this plea. As the defendants had no answer to make, especially as they did not dare and could not find any grounds for denouncing the charter as a forgery, because they could not prove it so, with the unanimous

arguere, quia non posset probare, unanimi consensu totius curiæ **Part II.**
 Regiæ adjudicatum est Abbati et ecclesiæ Sancti *Martini de Bello* The land is adjudged to the Abbot.
 omnia debere restitui, quæ cartæ suæ exigebat testimonio.

(8.) Cernens *Gilebertus de Baillol* se tenemento de *Bernehorne* esse destitutum, in omnium obsecrat audientia, catalla militis sui, qui idem tenementum de eo tenuerat, sibi inde tollenda relinqui. Dominus Rex ad hanc petitionem respondens—"Non poteras"—Writ of execution issued directed to four Knights having the custody of the County of Sussex. inquit—"manifestius confiteri, quam hoc petendo, te nullum jus "in terra illa habere." Monuitque Rex ut catalla eis dimitterentur. Ad Regis igitur imperium, fiunt litteræ regio sigillo signatæ, ad quatuor milites qui tunc ex ejus præcepto vicecomitatum *Suthsexiæ* regebant celerius directæ, ut absque dilatione, terram quam Abbas de *Bello* in curia sua coram eo dirationaverat, scilicet, tres wistas terræ in *Bernehorne* cum toto marisco et decimam quandam de *Bocholte*, Ecclesiæ Sancti *Martini de Bello* restituerent; tam integre et tam plenarie, tam libere et quiete tenendam, sicut temporibus Regis *Henrici* avi sui, teste carta sua, tenuerant; designata prius terra ipsa, et terminis ejus The metes and bounds ascertained by the verdict of a sworn inquest.

consent of the King's court it was adjudged that everything should be restored to the Abbot and church of St. *Martin of Battle* which he demanded by the testimony of his charter.

(8.) *Gilbert de Balliol*, seeing that he had been deprived of the holding of *Bernehorn*, makes the request in the hearing of all, that the chattels of the knight who had held this same holding of him, should be left to him for removal. The Lord King in answer to this petition said :—"You could not possibly confess with greater clearness than by this petition, that you have no right to that land." And the King directed that the chattels should be released to them. At the King's command therefore writs signed with the royal seal were made out and dispatched with all speed to the four knights who at that time, in accordance with the King's command, held the shrievalty of the county of *Sussex*, bidding them restore without delay to the church of St. *Martin of Battle* the land to which the Abbot of *Battle* had made good his claim in the King's court before the King himself, namely, three wistas of land in *Bernehorn*, with all the marsh-land and a certain tithe of *Buckholt*, to be held as completely and fully, as freely and as peacefully as they had held these lands in the reign of King *Henry*, his grandfather, as his charter witnessed. But first of all the land itself

Part II. peragratīs, per duodecim viros fideles de vicinio ipsius tenementi, qui metas ejus scirent, et obligati sacramento veritatem dicerent. Quo suscepto mandato, *Ricardus de Chaaines*, qui unus erat ex quatuor militibus vicecomitatus *Suthsexie* tunc temporis regentibus, sociorum suorum sibi vice commissa jam dictum tenementum adiit, sumptoque tam ab hominibus ejusdem tenementi, quam et ab iis qui in ejus confinio habitabant sacramento, metisque designatis, Abbatem et ecclesiam Sancti *Martini de Bello* inde investivit.

Forcible entry made upon the land by Robert de Yclesham, which the Abbot repels by force—(see Part I., p. 184).

Robert de Yclesham repairs to the King's

(9.) Recuperata hoc modo, licet cum labore et difficultate, sæpefata terra, jamque ut putabatur sopitis omnibus, cum, remota omni calumnia, nullius esse videretur mali in posterum suspicio, *Robertus* quidam de *Yclesham*, cum matre sua *Matilda*, quoddam pratum infra ambitum tenementi illius positum, repente invasit. Cujus fœnum cum vi conaretur auferre, Abbas præmunitus, congregatis viris quam pluribus, vim vi reppulit, et fœnum, parte adversa confusa, sibi reponi fecit. Jam dictus ergo *Robertus*,

was to be marked out and its boundaries perambulated by twelve faithful men of the neighbourhood of that holding, in order that they might ascertain its bounds and declare them truthfully on their sworn oath. Upon receipt of this writ, *Richard de Chaaines*¹, who was one of the four knights, who at that time held the shrievalty of the county of *Sussex*, and to whom the duties of his colleagues had been entrusted, came to the holding aforesaid; and after the oath had been taken by the men of this holding and also by those of the immediate neighbourhood, he marked out the boundaries of the land and invested the Abbot and the church of St. *Martin* therewith.

(9.) After this land aforesaid had thus been recovered though at the cost of much exertion and trouble, and now that everyone supposed that the matter had been settled, since no one could make any claim to the land, and no evil in the future was suspected, a certain *Robert* of *Icklesham*, with his mother *Maud*, suddenly made a forcible entry on a certain meadow situated within the confines of this holding. When he tried to carry off by force the hay of the land, the Abbot, forewarned of this, with as many men as he could gather together repelled force by force, and after routing his opponents, caused the hay to be replaced on his land. Whereupon the aforesaid *Robert*

curiam Domini Regis adiens, et quia Rex non aderat in audientia Part II.
justiciarum ejus conquerens, homines qui, sacramento præstito, Court and
metas tenementi de *Bernehorne* designare debuerant, asseruit plus prefers his
justo occupasse, et sic cum non traheretur in causa, terram suam complaint
sibi sublatam esse. Ad ejus itaque instantem querimoniam, to the Jus-
Abbas cum hominibus qui terram peragraverant ad curiam ticiars, the
agitur, super ea quam idem *Robertus* affirmabat injusticia satis King being
facturus. Nec cunctatus Abbas, mente robustus, licet corpore absent,
invalidus, se die determinato in præsentia Justiciarum apud alleging
Wintoniam exhibuit, hominibus secum adductis, qui sæpe nomina- that the
tum tenementum de *Bernehorne* peragraverant, et ejus metas Jury had
designaverant. Astante *Roberto de Yclesham*, et super terra sua included
sibi subdole ut asserebat sublata conquerente, procedunt præfati some of his
duodecim viri ei in faciem resistentes, iterato sacramentum præ- land in their
stare parati, se non quidem amplius, quin immo ne sacramenti perambula-
præstiti viderentur transgressores, minus justo suo ambitu tions.
conclusisse. Unde idem *Robertus* falsæ conquestionis esse con- The Abbot
victus, omnium judicio, misericordiæ Regis addicitur. Quo brings his
comperto, clam se subtrahens fugam iniit, nec calcarium suorum Jury before
the Court,
who are
willing to
swear again
to the truth
of their per-
ambulations.

Robert de
Yclesham
declared
in mercy,
upon which
he takes
flight,

repaired to the Court of the Lord King and, the King not being present, made a complaint in the hearing of his Justiciars, asserting that the men, whose duty it had been to declare the bounds of the holding of *Bernehorn* on their sworn oath, had taken more than was just, and so his land had been taken from him when he himself had not been impleaded. Wherefore on his urgent complaint, the Abbot and the men who had perambulated the land were summoned to the court, to answer this charge of injustice which *Robert* was alleging. Without delay the Abbot, strong in mind though weak in body, appeared before the Justices on the appointed day at *Winchester*, bringing with him the men who had perambulated the holding of *Bernehorn* aforesaid, and had determined its boundaries. Thereupon *Robert of Icklesham* stood up and preferred his complaint that his land had deceitfully, as he asserted, been taken away from him; but the aforesaid twelve jurymen came forward and withstood him face to face, saying that they were ready to swear on their oaths a second time that they had not only not enclosed more than was just in their perambulation, but rather less, so that they might not appear as violators of the oath which they had sworn. Whereupon *Robert* by the judgment of all was convicted of a false complaint and declared to be in the King's mercy. On learning this, he slipped away by stealth and fled, nor did he forget to use his spurs or think of sparing

Part II. whilst the
Abbot
returns
home with
joy. oblitus aut equo parcens prius a fuga destitit, quam ad propria
tremebundus perveniret. Abbas vero cum suis ad sua gratula-
bundus rediens, quoad vixit jam dictum tenementum pacifice,
omni sopita calumnia, possedit.

his horse until his flight was at an end and he reached his home, in a state of abject terror. But the Abbot returned to his home with his men with feelings of intense satisfaction and as long as he lived he possessed the said holding in peace, now that every claim thereto had been settled.]

IV.

*How Henry II., sitting in Chancery, ordered one of the Conqueror's Charters to be exemplified*¹.

(1.) UNAM ex cartis Regis Willelmi fundatoris Monasterii de Bello, contigit anno MCLXXV°. aut circa, in ipso monasterio vetustate dissolvi. Quam cum Abbas Regi porrexisset—"hæc"—inquit Rex—"renovatione indigeret." Abbate ad hoc respondente,—“et nos, ut eam, si placet, auctoritate regiâ renovando “confirmetis supplicamus.”—“Non hoc”—inquit Rex—"nisi ex “judicio curiæ meæ factururus sum.” Divertit ad hæc Abbas a Rege, et virum illustrem, *Ricardum de Luci*, adiens, Regis sibi exposuit responsum. Ad quod vir illustris *Ricardus* respondens, “si nostrum”—inquit—"super hoc expectatur judicium, ad “effectum petitionis tuæ unanimem invenies totius curiæ consensum.”

The Abbot applies to the King for the renewal of the Charter of William the Conqueror, which had been injured by time.

The King having replied, that he would act according to the opinion of his court, the Abbot speaks to *Richard de Luci*, who assures him that no objection will be suggested.

(2.) Loco et tempore ex consilio viri illustris *Ricardi* expectato, cum post modicum Rex in medio Procerum suorum resideret, Abbas procedens, cartam suam vetustate dissipatam in conspectu omnium proposuit, et ut regia auctoritate renovaretur expetiit. Rege super hoc, si faciendum esset necne, judicium Procerum

The Abbot produces his Charter to the King, sitting in the midst of his Great men.

[(1.) It happened in the year 1175 or thereabout, that one of the charters of King *William*, the founder of the Monastery of *Battle*, was being destroyed by the ravages of time in that monastery. And when the Abbot had presented it to the King, the latter exclaimed :—"This charter requires to be renewed." Whereupon the Abbot answered :—"We beg you, if it so pleases you, to confirm and renew it by your royal authority." But the King replied :—"I cannot do thus without the judgment of my court." Whereupon the Abbot departed from the King and approaching the eminent *Richard de Luci*, made known to him the King's reply. To this the eminent *Richard* replied : "If our judgment is awaited on this matter, you will find the whole court unanimous in consenting to your petition."

(2.) After waiting for a favourable time and place in accordance with the advice of the eminent *Richard*, when the King was sitting a short time afterwards in the midst of his nobles, the Abbot came and brought forward, in the sight of all, the charter, which had been much injured by the ravages of time, and begged that it should be renewed by the King's authority. When the King asked the judgment

Part II. requirente,—“Decet,”—inquit *Ricardus de Luci*—“decet vos, “si placet, Domine, cartam Ecclesiæ de *Bello* renovare, cujus “etiam si omnes cartæ perissent, nos omnes cartæ ejus esse debemus, “qui de conquisitione apud *Bellum* facta feodati sumus. Et “quoniam judicium nostrum utrum faciendum sit necne exigitis; “ut cartam prædictam regia auctoritate vestra confirmando “renovetis adjudicamus.”

The King asks their opinion respecting its renewal.

Richard de Lucy declares that it would be extremely proper to do so, if the King pleases.

The King orders Walterus de Constanciis, his Chancellor, to make out a renewal of the Charter.

(3.) Rex ad hæc, vocato *Waltero de Constanciis*, tunc Cancellario suo, postmodum *Lincolniensi* Episcopo, et post modicum *Rothomagensi* Archiepiscopo, jussit cartam novam, nominis et sigilli regii secundum formam cartæ veteris fieri; præcipiens cartæ novæ imponi, se confirmationem illam fecisse, pro amore Dei et petitione *Odonis* Abbatis; nomen et meritum ejusdem Abbatis volens esse in recordatione. Et quoniam in cartis et munimentis a diversis personis, diverso tempore, super eodem negotio datis, solet in posterioribus priorum mentio fieri, ita ut quod posterius est videatur præcedentium exigere testimonium, hujusmodi verbis “sicut carta illa vel illius *N.* testatur”; jussit Rex, ne clausula illa insereretur; sed aliam antea inusitatam ipse

of his nobles on this point, whether it was to be done or not, *Richard de Luci* said :—“It is most fitting, if it so pleases you, my Lord, it is most fitting that you should renew the charter of the Church of *Battle*, and indeed, should all its charters perish, we all ought to be its charters, we who have been enfeoffed owing to the conquest at *Battle*. And since you require our judgment as to whether this should be done or not, we give our judgment that you should renew this charter by confirming it with your kingly authority.” ~

(3.) Whereupon the King called *Walter of Coutances* at that time his Chancellor, afterwards Bishop of *Lincoln* and soon after that Archbishop of *Rouen*, and ordered him to make a new charter, bearing the name and seal of the King, in the form of the old one, and with this further injunction, that it should be written in the new charter that he had made that confirmation for the love of God and at the petition of Abbot *Odo*; he also desired that the name and worthiness of this same Abbot should be recorded. And whereas in charters and muniments, granted by different persons at various times and dealing with the same business, it was the custom that mention should be made in each succeeding charter of those that preceded it in order that a later charter might obviously cite the testimony of its predecessors, by such words as “just as this charter or the charter of this *N.* witnesses,” the King now ordered that this clause should

dictavit, et super his quæ viderat in persona propria testimonium **Part II.**
 perhibens, cartæ præcepit imponi hoc modo; “Quoniam inspexi
 “cartam *Willelmi* proavi mei, in qua præscriptæ libertates et
 “quietanciæ et liberæ consuetudines ab eo præfatæ ecclesiæ con-
 “cessæ continebantur.” Nec dedignatus est inclytus princeps
 super prædicta clausula reddere rationem—“Si,” inquit—“clau-
 “sula quæ suppressa est inserta fuisset, carta posterior sine
 “priori modicum conferret. Nunc vero, nulla in posteriori de
 “præcedentibus originalibus facta mentione, hæc carta sola
 “sufficeret, etiam si omnes aliæ cartæ de *Bello* deperissent.”
 His a Rege dictis, exegit Abbas a Cancellario et obtinuit ut sibi
 tres cartas, unam eandemque formam secundum præceptum Regis
 continentes, scribi, Regisque sigillum singulis faceret apponi.
 Commissæ sibi Ecclesiæ diligenter in hoc et prudenter prospexit,
 ut, quoniam possessiones monasterii sunt a monasterio plurimum
 remotæ, si quando quavis ex causa quamlibet trium cartarum
 contingeret vel etiam duas extra monasterium alias deferri, una
 saltem earum ad manum semper haberetur in monasterio.

The King directs that the renewed Charter shall be made in a form, which, until then, had never been used, and which states that the King himself had inspected the old Charter;

and the King declares his reason for this form.

The Charter is sealed in triplicate.

not be inserted, but dictated himself a clause which had not been used before and ordered that the following should be inserted in the charter, affording testimony of matters which he had personally seen:—“Whereas I have myself inspected the charter of *William* my great-grandfather, in which were contained the above-written liberties, immunities and free customs granted by him to the aforesaid church.” Nor did this renowned Prince disdain to give his reason for inserting the aforesaid clause, for he said:—“If the clause which was omitted, had been inserted, a later charter would offer but a scanty proof without a former charter to support it. But now, though in the later charter no mention has been made of the original charters which preceded it, this charter is sufficient proof of itself, even though all the other charters of *Battle* should perish.” When this had been said by the King, the Abbot asked from the Chancellor, and obtained his request, that three charters should be written by him in accordance with the King’s command, containing one and the same form of words and that each one should have the King’s seal affixed to it. In so doing he acted with great diligence and prudence on behalf of the Church entrusted to his care, for, since the possessions of the monastery are very far distant from the monastery itself, if at any time, for any cause whatever, it should happen that any one, or even two, of these charters should be taken outside the monastery, one of them at least could always be held ready at hand in the monastery.]

V.

How Richard de Anesty recovered the lands of William de Sackville, his Uncle¹.

(1.) HIC est sumptus et custamentum quod ego, *Ricardus de Aneste*, posui, in terrâ *Willielmi* Avunculi mei perquirenda. Scilicet in primum, misi quendam hominem meum in *Normanniam*, pro brevi Regis, per quod posui adversarios meos in placitum: qui dimidiam marcam dispendidit in illo itinere. Et cum mihi Nuncius meus breve apportâsset, recepto brevi, porrexi *Sarum* cum brevi, ut ibi in sigillo Reginae reverteretur; et in illo itinere dispendidi duas marcas argenti.

(2.) Et cum inde redissem, audiens quod *Radulfus Brito* deberet transfretare, secutus sum eum usque *Suhamtun*, causâ loquendi cum eo, ut perquireret mihi breve Regis ad Archiepiscopum; quia scivi quod placitum debebat in curiâ ejus divertere: et in illo itinere dispendidi viginti duos solidos et septem denarios, et misi unum palefridum quem emeram pro quindecim solidis. Et inde reversus cum brevi Reginae, ivi *Angriam*, et tradidi breve *Ricardo de Luci*. Quo viso et audito, posuit mihi diem placitandi apud *Norhanton* in Vigilia Sancti *Andree*. Et infra hunc terminum misi *Nicholaum*, Clericum meum, propter *Gaufridum de Tresgos*, et propter *Albredam* sororem ejus, scilicet quæ fuit uxor Avunculi mei, quos invenit in *Norfolk* apud *Berneiam*; et in illo itinere dispendidit quindecim solidos, et amisit unum runcinum quem emeram novem solidis.

(3.) Et cum redisset, ivi ad placitum meum apud *Norhanton* cum amicis et auxiliis meis; et in illo itinere dispendidi quinquaginta et quatuor solidos. Abhinc, posuit mihi diem alium apud *Suhamtun* ad quindecimum diem; et in illo itinere dispendidi quinquaginta septem solidos; et in illo itinere amisit unum runcinum qui valebat duodecim solidos. Postea venit *Radulfus Brito*, de *Normannia*, et apportavit mihi breve Regis, per quod placitum fuit remotum in curiam Archiepiscopi; et illud breve apportavi *Theobaldo* Archiepiscopo, quem apud *Wintoniam* inveni; et in illo itinere dispendidi viginti quinque solidos et

quatuor denarios; et tunc posuit mihi Archiepiscopus diem ad **Part II.** festum Sancti *Vincentii*; et illud placitum fuit apud *Lamhethe*. Abhinc posuit mihi diem ad festum Sancti *Valentini* Martyris; et in illo itinere dispendidi octo solidos et sex denarios; et illud placitum erat apud *Maidestan*.

(4.) Abhinc posuit mihi diem ad festum Sanctarum *Perpetuæ* et *Felicitatis*; et infra istum terminum ivi ad Episcopum *Wintoniæ*, loqui cum eo, ut testificaret divortium quod ante illum fuerat factum in Synodo *Lundoniæ*; et in illo itinere dispendidi unam marcam argenti. Et, accepto Episcopi testimonio, veni ad diem meum prænominatum, munitus placitandi, et illud placitum erat apud *Lamhethe*; et ibi dispendidi triginta septem solidos et sex denarios. Exinde posuit mihi diem in proximo die *Luncæ* post "*Lætare Jerusalem*." Et infra hunc terminum ivi propter Magistrum *Ambrosium*, qui cum Abbate de Sancto *Albano* in *Norfulc* tunc erat; et in illo itinere dispendidi novem solidos, et quatuor denarios; et *Samsonem*, Capellanum meum, misi pro Magistro *Petro de Melide* usque *Buchingham*; et in illo itinere amisit palefridum suum, quem ei restitui per unam marcam argenti; et septem solidos ibi dispendiderat.

(5.) Perquisitis Clericis prænominatis, veni ad diem meum, cum auxiliis meis apud *Lundon'*; et in illo itinere dispendidi quinque marcas argenti. Exinde posuit mihi diem ad "*Quasi-modo geniti*"; et infra hunc terminum misi *Johannem*, fratrem meum, ultra mare, ad curiam Regis, quia dictum fuit mihi, adversarios meos perquisisse breve Regis, se non placitatuos antequam Rex *Angliæ* remearet. Et idcirco misi fratrem meum propter aliud breve, ne placitum meum remaneret propter breve adversariorum meorum; et in isto itinere dispendidit frater meus tres marcas argenti; et ego ipse interim ivi *Cicestriam* loqui cum Episcopo *Hylario*, ut testificaret divortium quod viderat esse factum ante Dominum *Wintoniensem* in Synodo *Lundoniæ* ejus testimonium recepi, scilicet literas suas, quas misit Archiepiscopo, quibus testificavit divortium: et in illo itinere dispendidi quatuordecim solidos et quatuor denarios. Veni igitur ad diem meum apud *Lundoniam*, cum clericis et testibus et amicis et auxiliis meis; et moratus sum ibi per quatuor dies, quotidie placitans; et in illo itinere dispendidi centum et tres solidos.

(6.) Inde posuit mihi diem *ad Rogationes*. Et cum venissem ad diem meum apud *Cantuariam*, dixerunt adversarii mei, se

Part II. nolle placitare pro summonitione exercitûs Regis de *Tulus*; et in hoc itinere dispendidi triginta octo solidos, et inde recessi sine die.

(7.) Et secutus sum Regem, et inveni eum apud *Avinlarium*, et moratus sum in hoc itinere tredecim septimanas antequam præceptum Regis potuissem habere placitandi; et in illo itinere dispendidi quatuor libras argenti et decem solidos. Perquisito Regis præcepto, redii; et, invento Archiepiscopo apud *Mortelacum*, præceptum Regis tradidi ei; et posuit mihi diem ad festum Sanctorum *Crispini* et *Crispiniani*, ad quem diem veni *Cantuariam*; et in illo itinere dispendidi viginti quatuor solidos et sex denarios. Et abhinc posuit mihi diem ad octavas Sancti *Martini*, ad quem diem *Cantuariam* veni; et in illo itinere dispendidi viginti novem solidos, duos denarios minus. Exinde posuit mihi diem Dominus *Cantuariensis*, ad festum Sanctæ *Luciæ* Virginis. Infra hunc terminum misi Magistrum *Samsonem*, Capellanum meum, usque *Nincolniam*, pro Magistro *Petro*; et in illo itinere dispendidi dimidiam marcâ. Et cum dies placiti mei venit, non potui pro mea infirmitate adire, sed misi esuniatores, qui mihi esuniaverunt apud *Cantuariam*; et in illo itinere dispendiderunt decem solidos. Et abhinc positus est mihi dies ad festum Sanctorum *Fabiani* et *Sebastiani*: et ad illum diem *Lundoniam* veni, ubi Dominus *Cantuariensis* erat; et in illo itinere dispendidi viginti duos solidos et octo denarios. Abhinc posuit mihi diem ad festum Sanctæ *Scholasticæ* Virginis, et veni ad diem meum apud *Cantuariam*; et in illo itinere dispendidi triginta septem solidos et sex denarios. Et inde posuit mihi diem ad *Lætare Jerusalem*, et veni ad diem meum *Lundoniam*; et in illo itinere dispendidi quadraginta tres solidos. Abhinc posuit mihi diem ad *Misericordiam Domini*. Infra hunc terminum misi *Robertum de Furñ* et *Ricardum de Marci*, propter *Gaufridum de Marci*, in quo itinere dispendiderunt decem solidos; et *Robertus de Furñ* ibi amisit unum palefridum de duobus marcis. Et ego ipse ivi ad Episcopum *Wintoniensem* ut certius breve de divortio facto perquirerem; et in illo itinere dispendidi triginta quatuor solidos et quinque denarios. Et inveni Episcopum apud *Ferham* juxta *Portesmue*, et inde mecum reduxi Magistrum *Jordanum Fantasma* et *Nicholaum de Chandos*, qui testificarent vivâ voce quod Episcopus ante testificaverat per breve suum. Et veni ad diem meum, munitus placitandi, apud *Lundoniam*. Et ibi dispendidi tredecim solidos et quatuor denarios.

(8.) Abhinc positus est mihi dies ad *Clausum Pentecostes* ; Part II. et infra hunc terminum ivi ego ipse ad Episcopum *Nincolnensem* propter Magistrum *Petrum*, qui tunc erat cum eo apud *Stafford*. Et in illo itinere dispendidi viginti duos solidos et septem denarios. Et *Sampsonem*, Capellanum meum, misi propter Magistrum *Stephanum de Binham*, quem invenit apud *Norwicum* : in quo itinere dispendidit novem solidos. Et tunc veni ad diem meum apud *Cantuariam*, cum clericis et testibus et auxiliis et amicis meis, munitus placitandi ; in quo itinere dispendidi quatuor libras et duodecim solidos, quia per duos dies ibi placitavimus.

(9.) Inde posuit mihi diem ad octavas Apostolorum *Petri et Pauli*, et veni ad diem meum apud *Wihingeham*. Et in hoc itinere dispendidi viginti septem solidos et duo denarios. Ab hinc posuit mihi diem ad festum Sancti *Sixti* ; et veni ad diem meum apud *Lamheth*, in quo itinere dispendidi octodecim solidos et duo denarios. Inde posuit mihi diem ad Decollationem Sancti *Johannis Baptiste*, et tunc veni ad diem meum apud *Cantuariam* ; et in illo itinere dispendidi viginti tres solidos. Inde posuit mihi diem ad festum Sancti *Lucae Evangelistæ*.

(10.) Interim transfretavi, ut quærerem a Domino Rege licentiam appellandi *Romam* ; et in illo itinere amisi unum palefridum, quem sexdecim solidis emeram, et dispendidi sex marcas et quinque solidos. Et, acceptâ licenciâ, veni ad diem meum apud *Lundoniam*, et appellavi *Romam* ad *Lætare Jerusalem*, et ad illud placitum dispendidi sedecim solidos et octo denarios. Post hoc quæsi breve Archiepiscopi appellationis, et renuit mihi illud ibi dare. Sed posuit mihi diem recipiendi illud apud *Cantuariam*, ad quem diem veni, et recepi breve meum sine sigillo ; ut monstrarem illud advocatis meis si rationabile esset : in quo itinere dispendidi quindecim solidos. Et postea misi breve illud per *Samsonem* Capellanum meum *Nincolniam*, monstrare illud Magistro *Petro de Melide*, in quo itinere dispendidit quinque solidos et sex denarios. Postea misi idem breve Magistro *Ambrosio*, quem invenit nuncius apud *Binham*, in quo itinere dispendidit octodecim denarios ; et, emendato brevi ab advocatis meis, reportavi illud *Cantuariam*, ut insignillaretur. Et, viso brevi, noluerunt illud tale insignillare ; sed aliud mihi tradiderunt sine sigillo. Inde, accepto brevi, ivi monstrare illud Episcopo *Cicestrensi*, et, audito ejus consilio, redii : in quibus itineribus dispendidi duas marcas argenti. Et iterum misi illud breve

Part II. per *Sampsonem*, Capellanum meum, Magistro *Petro*, in quo itinere dispendidit dimidiam marcam argenti. Idem breve remisit Magistro *Ambrosio* apud Sanctum *Albanum*. Et, accepto eorum consilio, et emendato brevi, ivi ad Archiepiscopum apud *Wihingeham*; et ibi insigillatum est breve meum; et in hoc itinere dispendidi decem solidos. Et cum redissem, misi *Johannem*, fratrem meum, apud *Wintoniam*, ut perquireret breve Episcopi, de testimonio divortii, ad Dominum Apostolicum. Et ego ipse ivi ad Episcopum *Cicestrensem*, quem inveni apud *Sarum*, ut testificaret divortium per breve suum Domino Apostolico, sicut antea fecerat Archiepiscopo; et in illo itinere dispendidi septemdecim solidos, et *Johannes* novem solidos; secundo et tertio misi eundem fratrem meum apud *Wintoniam*, antequam utile breve possem habere; et in illis duobus itineribus dispendidi novemdecim solidos. Ex hinc paravi clericos meos, et misi illos *Romam*; scilicet *Samsonem*, Capellanum meum, et Magistrum *Petrum de Littleberia*, et unum hominem ad serviendum illis: in quorum apparatu, scilicet in equis et in pannis, dispendidi quinque marcas argenti. Et in illo itinere *Romæ*, dispendiderunt viginti quinque marcas argenti. Et quando remeaverunt, dixerunt quod quadraginta solidos plus quam eis tradideram dispendiderant, quos eis præstitit quidam Clericus Episcopi *Nincolniensis*, qui in comitatu eorum erat, quos illi reddidi. Et, accepto brevi Domini Papæ, portavi illud Episcopo *Cicestrensi* et Abbati *Westmonasterii*, quibus missum fuerat, ut in eorum curiâ deduceretur placitum meum; et in his itineribus dispendidi octodecim solidos et novem denarios. Postquam viderunt apostolicum præceptum, statuerunt mihi diem placitandi, apud *Westmonasterium*, octavo die post festum Sancti *Michaelis*: et veni ad diem meum, cum advocatis et amicis et testibus et auxiliis meis; et ibi morati sumus tribus diebus, antequam placitaremus, pro præceptis Domini Regis, quibus Episcopus et Abbas intendebant; et in illo itinere dispendidi quatuor libras et decem solidos. Et exinde posuerunt mihi diem, ad octavas Sancti *Martini*. Infra hoc terminum misi *Johannem*, fratrem meum, propter *Gaufridum de Marci*, qui mihi testis assisteret, qui pro infirmitate venire non potuit; sed misit filium suum in loco sui. Et in illo itinere amisit unum palefridum, quem emerat quindecim solidis; et dispendidit septem solidos et sex denarios. Ad quem diem veni, paratus et munitus placitandi, apud *Lundoniam*, quia sperabam tunc iudicium meum habere. Et ibi morati sumus quinque diebus; et ibi dispendidi centum et quatuor solidos. Et ibi

appellaverunt adversarii mei præsentiam Domini Apostolici, ad **Part II.** festum Sancti *Lucae* Evangelistæ. Et quæsi scriptum appellationis. Et statuerunt mihi diem apud *Oxineford*, ad festum Sancti *Andrææ*; ad quem diem veni, et moratus sum ibi per novem dies, antequam scriptum meum habere potuissem; et ibi dispendidi triginta et quatuor solidos. Et recepto brevi sine sigillo, portavi illud Magistro *Petro* apud *Nincolniam* ad corrigendum; et in illo itinere dispendidi unam marcæ argenti. Correcto brevi, portavi illud ad Episcopum *Cicestrensem* apud *Wintoniam* ad octavas *Epiphaniæ*, ut ibi insignillaretur. Et noluit Episcopus illud insignillare, quia Abbas *Westmonasterii* ibi non aderat; et in isto itinere dispendidi duas marcas argenti. Sed postea, ad "*Lætare Jerusalem*," apud *Westmonasterium*, insignillatum fuit, ubi viginti tres solidos et quatuor denarios dispendidi. Postea adivi Archiepiscopum *Eborum*, propter breve suum ad Apostolicum, de prece, et ad Episcopum *Dunhalmicæ* propter breve suum ad Apostolicum et ad Cardinales, quos inveni apud *Eborum*. Et redii per Episcopum *Nincolnensem* propter breve suum similiter ad Dominum Apostolicum, et ad Cardinales; et in illo itinere dispendidi quadraginta et octo solidos. Et cum inde redissem, perrexi ad Episcopum *Wintoniensem* propter breve suum, quem inveni apud *Glastoniam*, et ibi dispendidi triginta et duos solidos.

(11.) Postea, cum tempus appellationis appropinquaret, paratis Clericis meis, misi ad Curiam Romanam, ubi morati sunt sexaginta et duos dies antequam meum iudicium habere potuissent; et ibi dispendiderunt undecim marcas argenti. Et inde redientes, attulerunt iudicium de adulterio, unam cartam Archiepiscopo, alteram *Ricardo de Luci*, tertiam mihi. Exinde cum cartis istis, perrexi ad Dominum *Ricardum de Luci*, quem inveni apud *Rumesiam*. Et ibi expectavimus adventum Domini Regis qui de *Normannia* erat venturus. Deinde secutus sum Curiam per tres septimanas, donec possem finire cum Rege. Et in illo itinere dispendidi quinque marcas argenti. Et quia tædebat Regem quod Dominus Apostolicus nullum breve ei miserat, mox in crastino direxi nuncium meum propter breve a Domino Apostolico ad eum; quod nuncius meus mihi attulit ad clausum *Pascha* apud *Windlesoram*; et in illo itinere dispendidit nuncius quinquaginta solidos.

(12.) Igitur postquam cum Domino Rege finieram, per præceptum Domini Regis statuit mihi Dominus *Ricardus* diem

Part II. placitandi, ad *mediam Quadragesimæ*, apud *Lundoniam*. Et tunc erat ibi Concilium; et veni illuc cum amicis et auxiliis meis. Et quia pro negotio Regis non poterat intendere ad hoc placitum, moratus sum ibi quatuor dies, et ibi dispendidi quinquaginta solidos. Exinde posuit mihi diem ad *clausum Pascha*, et tunc fuit Rex et Dominus meus *Ricardus* apud *Windlesoram*. Et ad illum diem veni cum amicis et auxiliis meis, quotquot habere potui. Et interim misi *Johannem*, fratrem meum, propter *Ranulfum de Glanvilla*, ubi unum palefridum amisit, quem emerat viginti solidis, et dispendidit dimidiam marcam in illo itinere. Et quia non poterat Dominus *Ricardus* intendere huic loquelæ, propter loquelam *Henrici de Essexia*, prolongatum est iudicium de die in diem, donec veniret Rex ad *Redingiam*. Similiter apud *Redingiam* prolongatum est de die in diem, donec venit ad *Wallingford*. Et in hoc itinere dispendidi sex libras et quinque solidos. Et exinde, quia Dominus meus *Ricardus* ibat cum Rege in *Walliam*, posuit loquelam istam in Curiâ Comitis *Leicestriæ* apud *Lundoniam*; et illuc veni, et in illo itinere dispendidi triginta quinque solidos et septem denarios. Et quia nihil proficiebam in placito meo, misi ad Dominum meum *Ricardum*, in *Walliam*, ut præciperet quod placitum meum non prolongaretur. Et tunc mandavit per breve suum *Ogero Dapifero*, et *Radulpho Britoni*, quod sine dilatione tenerent mihi justitiam. Et statuerunt mihi diem apud *Lundoniam*; et nuncius ille quinque solidos dispendidit.

(13.) Veni igitur ad diem meum cum amicis et auxiliis meis, ubi viginti septem solidos et quatuor denarios dispendidi. Exinde summoniti sunt adversarii mei per breve Domini Regis, et per breve Domini mei *Ricardi*, ut coram Rege essent; et venimus coram Rege apud *Wudestoche*, ubi per octo dies morati sumus; et tandem, gratiâ Dei et Regis, et per iudicium curiæ suæ, adjudicata est mihi terra avunculi mei. Et ibi dispendidi septem libras et decem solidos.

(14.) Hæc sunt dona quæ dedi in Curiâ Archiepiscopi Placitatoribus et Clericis mihi auxiliantibus, scilicet undecim marcas argenti. Et in curia Domini *Wintoniensis*, quatuordecim marcas argenti, et Magistro *Petro de Melide* decem marcas, et unum annulum aureum de dimidia marca argenti. Et Magistro *Roberto de Chimai* unam marcam. Et in Curiâ Regis dispendidi, in donis, in auro et in argento et in equis, sedecim marcas et dimidiam. Et Magistro *Petro de Littleberia* dedi quadraginta solidos. Et in cæteris placitatoribus de amicis meis, qui ad placita mea solebant

venire, dispendidi in argento et in equis donandis duodecim **Part II.** marcas et dimidiam.

(15.) *Radulfo*, Medico Regis, dedi triginta sex marcas et dimidiam; *Regi*, centum marcas. Et *Reginæ*, unam marcā auri.

(16.) In primo anno placiti mei, quando misi *Johannem* fratrem meum ultra mare, pro præcepto Regis, mutuavi illos quadraginta solidos, quos dispendidi, a *Vive*, Judæo de *Cantebriggia*, ad usuram, libram per septimanam pro quatuor denariis. Et istos denarios tenui quatuordecim mensibus; de quibus reddidi pro gablo, triginta septem solidos et quatuor denarios. Et hoc fuit die *tertio* post *mediam Quadragesimæ*.

(17.) Et ad *Pascha* postea, præstitit mihi idem *Vives* sexaginta solidos: libram pro quatuor denariis per hebdomadam, quos tenui sex mensibus, de quibus reddidi pro gablo viginti quatuor solidos.

(18.) Et quando ego ipse transfretavi, pro præcepto Regis placitandi, tunc præstitit mihi *Comitissa de Cantebriggia* quatuor libras et decem solidos; quos dispendidi in illo itinere: libram pro quatuor denariis per hebdomadam, quos tenui novem mensibus, de quibus reddidi pro usura quinquaginta quatuor solidos. Et quando ivi propter Magistrum *Petrum*, apud *Stafford*, tunc præstitit mihi *Bonenfaunt*, Judæus, quinquaginta solidos: libram pro quatuor denariis per hebdomadam. Istos denarios tenui quinque mensibus, de quibus reddidi pro usura, sedecim solidos et octo denarios.

(19.) Et ad *clausum Pentecostes*, quando placitavi apud *Cantuariam*, tunc præstitit mihi *Deulecreise*, Judæus, quadraginta solidos, quos tenui duobus mensibus, libram pro quatuor denariis per hebdomadam, de quibus reddidi pro usura, quinque solidos et quatuor denarios.

(20.) Et quando transfretavi licenciam quærere appellandi, tunc præstitit mihi *Jacobus*, Judæus de *Niuport*, sexaginta solidos, libram pro quatuor denariis per hebdomadam, quos tenui tredecim mensibus; de quibus reddidi pro usura quinquaginta duos solidos.

(21.) Et quando misi Clericos meos *Romam*, tunc præstitit mihi *Hakelotus*, Judæus, decem libras, libram pro tribus denariis per hebdomadam, quas tenui septem mensibus; de quibus reddidi pro usura sexaginta solidos et decem denarios.

Part II.

(22.) Et post festum Sancti *Michaelis*, quando prius placitavi in Curiâ Episcopi *Cicestriæ* et Abbatis *Westmonasterii*, tunc præstitit mihi *Hakelotus*, Judæus, sexaginta solidos: libram pro tribus denariis per hebdomadam, quos tenui tribus mensibus, de quibus reddidi pro usura novem solidos.

(23.) Et ad festum Sancti *Martini*, quando replacitavi in Curiâ prædictorum Judicum, tunc præstitit mihi *Jacobus*, Judæus de *Niuport*, septuaginta solidos: libram pro quatuor denariis per hebdomadam, quos tenui octo mensibus; de quibus reddidi pro usura triginta septem solidos et quatuor denarios.

(24.) Et ad eundem terminum, præstitit mihi *Benedictus*, Judæus *Lundoniæ*, decem solidos pro duobus denariis per hebdomadam, quos tenui tribus annis, de quibus pro usura reddidi viginti sex solidos.

(25.) Et quando portavi breve appellationis meæ apud *Wintoniam*, ad Episcopum *Cicestriæ*, ut ibi insignillaretur, tunc præstitit mihi *Jacobus*, Judæus, centum solidos: libram pro tribus denariis per hebdomadam; quos tenui decem mensibus, de quibus reddidi pro usura quinquaginta solidos.

(26.) Et quando remisi Clericos meos ad Apostolicam Curiam, tunc mutuavi de *Hakeloto*, Judæo, quatuor libras, libram pro tribus denariis per hebdomadam, quos tenui sex mensibus; de quibus reddidi viginti quatuor solidos pro usura.

(27.) Et quando ivi ad placitum meum apud *Windleshores*, tunc præstitit mihi *Deulacreise*, Judæus, quadraginta solidos, libram pro tribus denariis per hebdomadam, quos tenui quatuor mensibus; de quibus reddidi pro usura octo solidos. Et in eodem itinere de *Windleshores*, quia defecerunt mihi denarii, mutuavi de *Bruno*, Judæo, dimidiam marcā, pro tribus obolis per hebdomadam, quos denarios tenui decem septimanis, unde pro usura reddidi quindecim denarios. Et in eodem itinere, apud *Reding*, præstitit mihi *Hakelotus*, Judæus, quem ibi inveni, triginta solidos: libram pro tribus denariis per hebdomadam, quos tenui quinque mensibus, de quibus pro usura reddidi septem solidos et sex denarios.

(28.) Et quando adjudicata est mihi terra Avunculi mei, apud *Wudestoche*, tunc præstitit mihi *Mirable*, Judæa de *Niuport*, quatuor libras et decem solidos; libram pro quatuor denariis per hebdomadam, quos tenui per unum annum, de quibus pro usura reddidi sexaginta et octodecim solidos.

(29.) Et quando reddidi *Radulfo* Medico denarios suos, ad **Part II.** primum terminum, tunc præstitit mihi *Hakelotus*, Judæus, septem libras, libram pro tribus denariis per hebdomadam, quas tenui anno et dimidio, de quibus reddidi pro usura sex libras et sedecim solidos et sex denarios. Et ad alium terminum præstitit mihi *Comitissa* de *Cantebriggia* centum solidos, quos tenui duobus mensibus, libram pro tribus denariis per hebdomadam, de quibus reddidi pro usura decem solidos.

(30.) Ad hoc, Pascha præteritum, transacti sunt duo anni, quod reddidi ad Scaccarium quinquaginta marcas argenti, de promissione Regis, de quibus præstitit mihi *Hakelotus*, Judæus, viginti libras, libram pro duobus denariis per hebdomadam; unde adhuc debeo et catallum et lucrum totum; et assuperatum est gablum usque ad viginti sex marcas argenti. Iterum ad proximum Pascha postea, reddidi ad Scaccarium viginti quinque marcas argenti, de quibus præstitit mihi *Hakelotus*, Judæus, septem libras, libram pro duobus denariis per hebdomadam: unde adhuc debeo ei lucrum et catallum totum; et assuperata est usura usque ad sexaginta solidos et octo denarios.

(31.) Iterum ad festum Sancti *Michaelis* reddidi ad Scaccarium decem marcas, de quibus præstitit mihi *Hakelotus*, Judæus, quadraginta solidos, libram pro duobus denariis per hebdomadam; quos tenui tribus mensibus, de quibus reddidi pro usura quatuor solidos.

Part II.

LAWS OF THE CONQUEROR.

(See Part I.,
p. 44,
note a.)

I HAVE already stated my reasons for supposing that the Latin text, hitherto unpublished, of the Statute or Capitular which professes to contain the laws granted by the Conqueror to the English people, is an authentic document; and it is the more valuable, because it must be considered as the principal source whereby the written Anglo-Saxon Law was first diffused into the Common Law. The Romanic text, now given in a correct form, is a curious monument of language, though we may deny its coeval antiquity. The accompanying comment might have been extended to a much greater length; but I have only attempted to elucidate those portions which are connected with the jurisprudence of the subsequent age. Upon the versions, or rather paraphrases, which I have added of some few extracts from the Anglo-Saxon Laws, I must observe, that, with the exception of those technical terms and phrases for which no modern equivalent can be found, I have not considered it advisable to labour to *Saxonize* either the idiom or the expressions. The plan of rendering each Anglo-Saxon word by the word which approaches nearest to it in our vernacular language, may be thought to ensure both energy and accuracy; but this opinion rests upon mistaken grounds. It is one of the consequences of the alteration of language, that many of the terms which were originally general, become restricted to a special signification. Others again are diverted to new applications, and designate new ideas; by borrowing the sound from the antique nomenclature, we therefore often lose the sense of the ancient phrase; and, with the shew of precision, we depart widely from the true meaning of the original.

MS. HARL., NO. 746.

Part II.

ISTÆ SUNT LEGES ET CONSUETUDINES, quas *Willelmus* Rex, post adquisitionem *Angliæ* omni populo *Anglorum* concessit tenendas; eædem videlicet, quas Predecessor suus et Cognatus, *Edwardus* Rex, servavit in *Anglorum* regno.

HOLKHAM MS., NO. 228^a.

CEZ SUNT LES LEIS E LES CUSTUMES que li Reis *Will.* grantad al pople de *Engleterre*, apres le cunquest de la terre. Iceles meimes que li Reis *Edward* sun cusin tint devant lui.

[These are the laws and customs, which King *William*, after the acquisition of *England*, granted to all the people of *England* to be kept by them; the same to wit, which his Predecessor and kinsman, King *Edward*, maintained in the realm of *England*.]

I. *De pace et immunitate Ecclesiæ.*

Pacem et immunitatem ecclesiæ sanctæ concessimus. Cujuscumque criminis reus, si ad ecclesiam confugerit, pacem habeat vitæ et membrorum. Quod si quis in eum manus injecerit violentas, et ecclesiæ immunitatem fregerit, in primis restituat plenariè ablata, et insuper de forisfacto, si cathedralis fuerit ecclesia, vel cenobium, vel quæcumque religiosorum ecclesia,

Ceo est a saver, pais a seinte iglise. De quel forfeit que hom fet oust, e il poust venir a seint iglise, oust pais de vie e de membre. E si aucuns meist main en celui ki la mere iglise requereit, si ceo fust u evesqué, u abeie, u iglise de religiun, rendist ceo qu'il aureit

[Concerning the peace and immunity of the Church.

We have granted peace and immunity to Holy Church. If a man guilty of any crime take refuge in a church, let him have peace of life and limb. And if anyone lay violent hands on him and break the immunity of the church, let him first restore fully what has been taken away and in addition pay as forfeit, should it be a cathedral or conventual church or any church of religious (i.e. persons vowed to

^a I owe the use of this most valuable Manuscript¹ to the kindness of its distinguished owner. The volume bears the autograph of Coke, and has been quoted by him. The additions marked F. are from the text included in *Ingulphus*, as published by Fell.

Part II. centum solidos; si matrix ecclesia parochialis, xx solidos; si capella, x solidos.

pris, e cent souz le forfeit. E de mere iglise de parosse, vint souz. E de chapele diz souz.

religion), one hundred shillings; if it be the mother church of a parish, twenty shillings; if a chapel, ten shillings.]

II. *De pace Regia.*

Qui pacem regiam infregerit, secundum *Merchenalahe*, c. solidos pœnæ succumbet. Similis de *hamfare* et insidiis præcogitatis pœna delinquentem manet. Secundum *Denelahe* pœna infractæ pacis regiae cxliiij libras, et forisfactum Regis quod ad vicecomitem pertinet, scilicet xl. solidos in *Merchenalahe* et l. solidos in *Westsexenelahe*. Quod si vicecomes vel præpositus convictus fuerit coram justitiariis Regis erga homines suæ balliæ deliquisse, duplo forisfactum majus reportabit quam alii in pari delicto. Si quis eorum, qui habent *soche* et *sache* et *tol* et *them* et *infangenetheof*, implacitetur in comitatu, et in forisfactum cadat,

E ki enfreint pais le Rei, en *Merchenelahe*, cent souz les amendes. Autresi de hemfare e de agwait purpense; icel plait afert a la curune le Rei. E si aucuns Vescunte u Provost meffait as humes [de sa baillie] e de ceo seit ataint devant justise, le forfeit est a duple de ceo que auter fust forfeit. E ki en *Denelahe* enfreint la pais le Rei, set vint livres e quatre les amendes. E les forzez le Rei, ki aferent al Vescunte, cinquante souz en *Merchenelahe*, e en *Westsexenelahe* quarant souz. E cil francs hom ki ad e *sache* e *soche*, e *toll* e *tem*, e *infangentheof*, se il est enplaidé, e il

[Concerning the King's Peace.]

He who breaks the King's peace, according to the *Mercian district*, shall be subject to a fine of one hundred shillings. A similar fine awaits an offender in the case of *hamfare* (attack upon a house) and premeditated ambush. According to the *Danelaw*, the penalty for breach of the King's peace is one hundred and forty-four pounds and the King's forfeit, which pertains to the sheriff, to wit forty shillings in the *Mercian district* and fifty shillings in *West Saxon district*. But if any sheriff or reeve be convicted before the King's justices of misconduct towards the men of his bailiwick, he shall pay a forfeit twice as much in amount as others would in a like offence. If any of those who have *soc* and *sac* and *tol* and *theam* and *infangthef* be impleaded

erit ejus forisfactum ad opus vicecomitis xl *ores* in *Danelawe*: Part II. aliorum autem qui non habent hanc libertatem, erit forisfactum in simili casu xxxij *ores*, de quibus vicecomes ad opus regium x *ores* accipiet, et ei qui in eam optinet xij *ores* restituentur. Residuum autem, id est x *ores*, ad dominum in cujus feudo manet, deveniet secundum *Denelahe*.

seit mis en forfeit el Cunté, afert al os le Vescunte en *Denelahe* quarant *ores*. E de cel hume ki ceste franchise n'en ad, trente e deux *ores*. De cez trente e deux, averad le Vescunte al os le Rei, dis *ores*, e cil ki le plait averad deredné vers lui, duze *ores*. E le Seinur en ki fiu il meindra, les dis *ores*. Ceo est en *Denelahe*.

in the county-court and falls into forfeiture, his forfeit shall be forty *ores*¹ in the *Danelaw* for the fund of the sheriff, but the forfeit of others, who have not this privilege, will be in a similar case thirty two *ores*, of which the sheriff shall receive ten *ores* for the benefit of the King, and there shall be restored to him who succeeds in the case² twelve *ores*; and the remainder, that is ten *ores*, will come to the Lord in whose fee the offender dwells, that is in the *Danelaw*.]

III. *De plegiatis fugientibus.*

Si quis appellatus de latrocinio vel roberia plegiatur ad habendum ad justitiam, et interim fugerit, in *Merchenelawe* dabitur plegio respectus unius mensis et unius diei, quærendi fugitivum, quem si infra terminum præscriptum invenerit, justitiæ offerat; si minus, jurabit duodecima manu quod horâ, quâ eum plegiavit, nescivit quod latro esset, quod consilio aut

La custume en *Merchenelahe* est, si aucuns est apelé de larrecin u de roberie, e il seit plevi a venir devant justise, e il s'en fuie dedenz sun plege, il averad terme un meis e un jur de querre le; e s'il le pot truver dedenz le terme, sil merra a la justise. E s'il nel pot truver, si jurra sei duzime main que al hure qu'il le

[Concerning those who take to flight when under bail.

If any man be appealed of theft or robbery and be under pledge to come to justice and in the meantime take to flight, there shall be granted to the pledgor, according to the *Mercian district*, grace for one month and a day to look for the fugitive, and if he find him within the prescribed time, he must bring him to justice; but if not, he will swear twelve-handed³ that he did not know when

Part II. ope sua non fugerit, et quod eum habere non potest ad justitiam. Deinde catallum reddet pro quo fuit attachiatus, et xx. solidos pro capite fugitivi et iiij denarios cippi custodi, et obolum pro fossorio, et insuper regi xl. solidos. Juxta *Westsaxenelahe* in tali casu dabit c. solidos pro capite, [xx solidos] illi qui clamium prosecutus est, et Regi iiij libras. At vero in *Denelahe*, in tali casu, forisfactum est viij librarum, quarum vij. Regis erunt, octava autem pro capite calumniati dabitur, quod si infra annum et diem poterit latronem repertum justitiæ offerre, reddetur ei libra, quam pro capite calumpnians acceperat, et de latrone justitia fiat.

plevi, larrun nel sout, ne par lui s'en est fuid, ne aver nel pot. Dunc rendrad le chatel dunt il est retez, e vint souz pur la teste, e quatre deners [al] ceper, e une maille pur la besche e quarante solz al Rei. E en *Westsexenelahe*, cent sols; vint sols al clamif pur la tesste e quatre libres al Rei. En *Denelahe*, oit libres le forfeit, les vint sols pur la teste, les sept libres al Rei. E s'il pot dedenz un an e un jur truver le larrun, e amener a justise, si lui rendra cil les vint sols, kis averad oud [?] si n'ert faite la justice del larrun.

he became pledge for him that he was a thief, that he did not take to flight through any counsel or aid from him and that he is not able to bring him to justice. Then will he make good the property for which the thief was accused and pay twenty shillings for the head of the fugitive and four pence to the guardian of the stocks¹, and a halfpenny to the grave-digger and in addition forty shillings to the King. According to *West Saxon district* he will pay in a similar case one hundred shillings for the head, twenty shillings to him who has sued his claim and to the King four pounds. But in the *Danelaw* in a similar case the forfeit is eight pounds, of which seven will be the King's, but the eighth will be given for the head of the person charged, but if within a year and a day he is able to find the robber and bring him to justice, the pound will be given back to him which the accuser has received for his head, and let justice be done on the robber.]

IV. *De latrone capto sine Uthesio.*

Si quis latronem sive furem, sine clamore et insecutione ejus
Cil ki prendra larrun senz siwte e senz cri, que cil en lest, a

[Concerning a robber caught without hue.

If anyone capture a robber or a thief, without hue and cry

cui damnum factum est, ceperit, et captum ultra duxerit, dabit x. **Part II.** solidos de *henwite*, et ad primam divisam faciet de eo justitiam. Quod si eum ultra primam divisam sine Justitiarum licentiâ duxerit, erit in forisfacto xl. solidorum.

ki il averad le damage fait, e il vienge apres, si est resun qu'il duinse dis sols de *hengwite* ; e si face la justice a la primere devise, e s'il passe la devise senz le cunged a la justise, si est forfeit de quarant sols¹.

and pursuit from him who has suffered the theft and shall take his captive beyond the jurisdiction, he shall pay ten shillings for failure of arrest and at the next meeting of the court shall hand him over to justice. But if he take him beyond the next meeting of the court without the permission of the Justice he shall pay a forfeit of forty shillings.]

V. *De averiis quæ præpositus hundredi restare fecerit.*

Si præpositus hundredi equos aut boves, aut oves, aut porcos, vel cujuscumque generis averia vagantia restare fecerit; is qui veniens sua clamaverit, dabit præposito, pro ove denarium, pro porco ij denarios, pro bove vel equo iiij denarios. Ita tamen ut non ultra viij denarios tribuat, quotquot averia sibi restitui petierit. Dabit insuper wagium, et plegios inveniet, quod, si

Cil ki avoir rescut, u chevaux, u bos, u vaches, u berbiz, u pors (que est *forfeng* apele en Engleis) cil kis claimed, durrad al provost pur la rescussium, oit deners; ia tant ni ait, mes qu'il i oust cent almaille, ne durrad que oit deners; e pur quatre² pors, un dener; e pur un berbiz, un dener; e issi tresque a oit, pur chascune un dener. Ne ia tant ni averad, ne durrad que oit deners. E durrad gwage, e truverad plege que si autre vienge á prof,

[Concerning cattle which the reeve of the hundred has placed in pound.

If any reeve of a hundred cause any horses or oxen or sheep or swine or wandering beasts of any kind to be impounded, he who comes and claims them as his own shall pay to the reeve, for a sheep one penny, for a pig two pennies, for an ox or a horse four pennies. He shall not however pay more than eight pennies, however great the number of beasts he requests to be restored to him. In addition he shall find gage and pledges that if any other comes

Part II. quis alius infra annum et diem veniens, illa averia tanquam sua quæsierit, habebit ea ad justitiam ubi habere debet.

dedenz l'an e le jur pur l'aveir demander, qu'il l'ait a dreit curt celui ki l'aveit rescus.

within a year and a day and claims these beasts as his own, he will produce them for the decision of the court where he ought.]

VI. *De averio errante vel re inventa.*

Si quis averium errans recollegerit, vel rem quaecumque invenerit, denunciât illud per tres partes visneti, villis proximis, ut sint in testimonium inventi. Quod si quis venerit, rem ut suam clamans, det vadium et plegios quod eam judicio sistet, si quis infra annum et diem eandem requisierit, et suum recipiat.

Autersi de avoir adiré, e autersi de truveure, seit mustred de treis pars del visned, qu'il ait testimonie de la truveure. E si aucuns vienged avant pur clamer la chose, duinst gwage e truiet plege que, si auter le cleimt dedenz l'an e un jur, qu'il l'ait a dreit en la curt celui ki l'avera trued.

[*Concerning a wandering beast or anything found.*

If anyone detain a wandering beast or find any article whatsoever, he shall proclaim it through three parts of the neighbourhood in the nearest villages so that they may be witnesses of what he has found. And if anyone come and claim the article as his own, he shall give gage and pledges that he will present it for judgment, if any other claim it within a year and a day; and let him receive what is his.]

VII. *De homicidiis.*

Si quis convictus vel confessus fuerit in jure, alium occidisse, dat *were* suum, et insuper domino occisi, *manbote*, scilicet, pro homine libero x. solidos, pro servo xx. solidos.

Si hom occist auter, e il seit cunuissant, e il deive faire les amendes, durrad de sa *Manbote* al Seinur, pur le franch hume, dis sols, e pur le serf, vint sols.

[*Concerning homicides.*

If any man be convicted or confess in course of trial that he has killed another man, he pays his *were* and in addition *man bote* to the lord of the man killed, to wit, for a free man ten shillings, for a bondman twenty shillings.]

VIII. *De Were diversorum.*

Part II.

Est autem were Theni in *Merchenalahe* xx. libras, in *West-saxenelahe* xxv. libras: rustici autem c. solidos in *Merchenelahe*, et similiter in *Westsaxenelahe*.

La were del Thein, vint libres en *Merchenelahe*, vint e cinq libres en *Westsexenelahe*. La were del vilain cent sols, en *Merchenelahe*, e ensement en *Westsaxene[lahe]*.

[Concerning the 'were' of various people.

Moreover the Thane's were in the *Mercian district* is twenty pounds, in *West Saxon district* twenty-five pounds, but that of the villain one hundred shillings in the *Mercian district*, and the same amount in the *West Saxon district*.]

IX. *Quid fiat de Were.*

De were igitur pro occiso soluto, primo viduæ x solidi dentur; et residuum liberi et consanguinei inter se dividant. Poterit autem quis, in were solvendo, equum masculum non castratum pro xx. solidis dare, et taurum pro x. solidis, et verrem pro v. solidis.

De la were primereinement rendrad l'om del *hamsochne*, a la vedue dis sols, e le surplus les parenz e les orfenins partent entre eus. En la were purra il rendre cheval ki ad la coille, pur vint sols, e tor pur dis sols, e ver pur cinq sols.

[What is to be done with the were.

As regards the were, therefore, which has been paid for the slain man, first of all let ten shillings be given to the widow and let the children and the kinsmen divide the remainder amongst themselves. Moreover anyone shall be able, in paying a were, to give in the place of twenty shillings an entire horse and in place of ten shillings a bull and in place of five shillings a boar.]

X. *De vulnerante alium.*

Si vulneraverit quis alium, et satisfacere debeat, in primis reddat ei *lichfe*, quantum scilicet in curam vulneris impendit.

Si hom fait plaie en auter e il deive faire les amendes, primereinement lui rende sein le cheof¹, e li plaiez jurra sur seinz, que pur

[Concerning a man who wounds another man.

If any man wound another man and owe him satisfaction, first of all let him pay him the doctor's fee, to wit the amount he pays

Part II. Jurabit tamen vulneratus, quod non potuit pro minori illud curâsse, nec quod in odium illius magis justo persolvit. Deinde si plaga in discooperto faciei fuerit, semper ad unciam * * * * * quatuor denarios persolvit. Et si ossa abstracta [fuerint]; quot ossa, totiens quatuor denarios dabit. Demum ad concordiam plenam honores illi exhibebit; jurabitque quod sibi, si id intulisset quod ipse illi intulit, id in satisfactionem ab eo susciperet quod ei offert, si hoc in animo sibi sederet et amici consulerent.

meins nel pot feire, ne pur häur si cher nel fist. De *sarbote*, ceo est de la dular. Si la plaie lui vient el vis en descouvert, al pouz tute veies, oit deners, si en la teste u en auter lui u ele seit cuverte, al pouz tute veies quatre deners, e de tanz os cum l'om trait de la plaie, al os tute veies quatre deners. Puis a l'acordement, si lui metera avant honurs, e jurra que, s'il lui oust fai ceo qu'il lui ad fet, e se sun quor lui purportast e sun cunseil lui dunast, prendreit de lui ceo que offert ad a lui.

for the cure of the wound. The wounded man however shall swear that the wound could not be cured for less and that he did not pay more than was just for its cure out of hatred for his assailant. Secondly if the wound has been made on the open face, he shall always pay for an inch¹.four pennies. And if any splinters of bone have been extracted from the wound, for every splinter he shall pay four pennies. Finally for a full reconciliation the assailant shall declare his respect for the other and shall swear that if what he had done had been done to him, he would receive from the other man what he now offers him as complete satisfaction, if his heart so prompted him and his friends so advised.]

XI. *De membrorum mutilatione.*

Si quis alteri vel manum vel pedem abscidit, dimidium *were* illi reddat juxta statum conditionis suæ. Si pollicem, reddat dimidium illius quod pro manu redderet. Si indicem, quindecim

Si ceo avient que aucuns coupe le puing a l'auter, u le pie, si lui rendrad demi *were* sulunc ceo qu'il est nez. Del poucer lui rendra la meite de la main. Del dei apres le poucer quinze sols,

[Concerning the mutilation of limbs.

If anyone cut off another man's hand or foot, he shall pay him half his *were* according to his condition. If the thumb, he shall pay a half of what he would pay for a hand. If the index finger, he shall pay fifteen English shillings (an English

solidos Anglicos (solidum Anglicum quatuor denarii constituunt). **Part II.**
Si medium, sedecim solidos. Si anularem septemdecim solidos, si auricularem, quinque solidos. Si unguem pollicis vel ancus¹ digiti majoris, quinque solidos. Si unguem auricularis, quatuor denarios.

de sols Engleis que est apele quaer-denier. Del lung dei, seize sols, del autre ki porte l'anel dis sept sols. Del petit dei cinq sols. Del ungle, s'il le coupé de la charn, cinq sols de souz Engleis. Al ungle del petit dei, quatre deners.

shilling consists of four pennies). If the middle finger, he shall pay sixteen shillings. If the ring finger, he shall pay seventeen shillings; if the little finger, he shall pay five shillings. If the nail of the thumb or the joint of a larger finger, five shillings shall be paid. If the nail of the little finger, four pennies shall be paid.]

XII. *Si violat quis uxorem proximi.*

Si quis uxorem alterius legitimam violat, *weram* suam domino suo reddat.

Cil ki autrui femme purgist, si forfeit sun *were* vers sun seinur.

[*If anyone violates the wife of his neighbour.*

If anyone violate the lawful wife of another man let him pay his own *were* to his lord.]

XIII. *De judicio falso.*

Qui iudicium falsum fecerit, *were* suum domino solvat, nisi probare possit quod melius judicare nescivit.

Autersi ki faus jugement fait, pert sa *were*; s'il ne pot jurer sur seinz, que mieuz nel sout juger.

[*Concerning false judgment.*

If anyone pronounce a false judgment, let him pay his *were* to the lord, unless he is able to prove that he did not know how to decide better.]

XIV. *De appellatis ex furto.*

Si quis appellatur de furto, et sit liber homo, si bonæ famæ hucusque fuerit et testimonium bonum habuerit, purgabit se per

Si hom apeled autre de larrecin e il seit franschs hom, e puisé aver testimonie de lealted, se escundirad par plein serment.

[*Concerning those appealed of theft.*

If any man be appealed of theft and he be a free man, and if up to that time he had borne a good reputation and had witness

Part II. juramentum suum. Quodsi ante culpatus fuit, purgabit se duodecima manu, et eligentur quatuordecim legales homines ex nomine, qui juramentum hoc faciant: quodsi defecerit, et jurare cum eo noluerint, defendet se per judicium aquæ vel ignis: et appellator per septem legales homines ex nomine jurabit, quod nec ex odio nec alia aliqua causa hoc ei imponit, nisi tamen¹ ut jus suum adipiscatur.

'E ki blasmé unt esté, se escundirunt par serment numé. Ceo est a saver, par quatorze humes leals par num, s'il les pot aver; si s'en escundira, sei duzime main. E si il aver nes pot; si s'en defende par juise. E li apelur jurra sur lui par sept humes numez, sei siste main, que pur häur nel fait ne pur auter chose, se pur sun dreit nun purchacer.

to his probity, he shall purge himself by his own oath. But if he has been convicted before, he shall purge himself twelve-handed; and fourteen lawful men shall be chosen by name to take the oath (with him). But if he fail to find them and they are not willing to take the oath with him, he shall defend himself by the ordeal of water or fire, and the accuser by means of seven lawful men called by name shall swear that he is bringing this charge neither for malice nor any other reason except to receive what is his right.]

XV. *Si appellatur quis de violatione ecclesiæ vel cameræ.*

Si quis appellatur, quod aut ecclesiæ immunitatem aut alicujus cameram infregerit, si hactenus de tali crimine immunis fuerit et inculpabilis, purget se juramento, per quatuordecim legales homines nominatos manu duodecima. Quod si alias culpatus fuerit, purget se juramento triplicato, id est per quadraginta octo

E si aucuns est apeled de mustier frussir u de chambre, e il n'ait esté en ariere blasmé, s'en escundisse par quatorze humes leals numez, sei duzime main. Et sil ait auter fiedz esté blasmé, s'en escundisse a treis duple, ceo est a saver par quarante deux

[*If anyone is accused for violation of a Church or house.*

If anyone is accused for breach of the immunity of a Church or of a house, if up to that time he has been free and blameless from such a charge, he shall purge himself twelve-handed by an oath by means of fourteen lawful and named men. But if he has been convicted at any other time, he shall purge himself by a tripled oath, thirty-six-

legales homines nominatos, manu trigesima sexta. Si eos habere **Part II.**
non potest, eat ad iudicium triplex, si iuramentum debuit exhiberi
triplex. Si furtum alius calumniatus emendavit, eat ad iudicium
aquæ.

leals humes numez, sei trente siste main. E s'il aver nes pot,
äut a la juisse a treis duble, si cum il deust a treis duble serment.
E s'il ad larrecin ça en ariere amendé, äut al ewe.

handed, that is by means of forty-eight lawful and named men. If
he is not able to procure them, let him go to the triple judgment,
if a triple oath is required to be taken. If the accused has
previously¹ made amends for theft, let him go to the ordeal by
water.]

XVI. *De forisfacturis.*

Archiepiscopus habebit de forisfactura in *Merchenalahe*,
quadraginta solidos; Episcopus, viginti solidos; Comes, viginti
solidos; Baro, decem solidos; Villanus, quadraginta denarios.

Li Ercevesque averad de forfeiture quarante sols en *Merchene-
lahe*: e li Eveske vint sols: e li Queons vint sols: e li Barun dis
sols: e li Socheman quarante deners.

[*Concerning forfeitures.*

An Archbishop shall receive in forfeiture in the *Mercian district*,
forty shillings, a Bishop twenty shillings; an Earl twenty shillings;
a Baron, ten shillings, a Villein forty pence.]

XVII. *De denariis Sancti Petri.*

Liber homo qui habet possessionem campestrum ad valenciam
triginta denariorum, dabit denarium Sancti Petri. Dominus
autem pro uno denario, acquietabit bordarios suos, et bubulcos,
et servientes. Burgensis, si habet de proprio catallo ad valenciam

Cil ki ad aver champestre trente deners vaillant deit duner le

[*Concerning Peter's Pence.*

A free man who holds property in land of the value of thirty
pence, shall pay St. Peter's penny. Moreover the owner in con-
sideration of one penny shall acquit his bordars², his herdsmen and
his servants. A burgess having chattels of his own of the value of

Part II. dimidiæ marcæ, dabit denarium Sancti Petri. In *Denelahe*, liber homo qui habuerit catallum campestre ad valenciam dimidiæ marcæ, dabit denarium Sancti Petri. Et per denarium domini, adquietabuntur omnes qui in dominico illius manent. Qui vero denarium Sancti Petri detinet, cogetur censurâ ecclesiasticâ illum solvere, et insuper triginta denarios pro forisfacto. Quodsi ante Justitias Regis placitum venerit, habebit Rex quadraginta solidos pro forisfactura, et Episcopus triginta denarios.

dener Sein Piere^a. Ki en *Denelahe* franche hume est, s'il ad demi marc vaillant d'aveir champestre, si duinst le dener Sein Piere, e par le dener que li sire durrad, si erent quite cil ki mein-drunt en sun demeine.

half a mark, shall pay St. Peter's penny. In the *Danelaw*, a free man who possesses property in land of the value of half a mark, shall pay St. Peter's penny. And in consideration of a penny paid by the lord, all those who dwell under his lordship shall be acquitted. He indeed who withholds St. Peter's penny, shall be compelled by the censure of the Church to pay it and in addition to pay a forfeit of thirty pence. But if a plea come before the King's Justices the King shall have in forfeiture forty shillings and the Bishop thirty pence.]

XVIII. *De vi opprimentibus.*

Si quis mulierem vi oppresserit et violaverit, membrorum damno punietur. Si vi ad terram prostravit ut violaret, domino decem solidos reddat.

Cil ki purgist femme a force, forfeit ad les menbres. Ki abat femme a terre pur fere lui force, la munte al seinur dis sols.

[Concerning men who assault and force women.

If any man assault a woman and violate her, he shall be punished by losing his member. If he shall throw her by force to the ground in order to violate her, he shall pay ten shillings to her lord.]

^a Franchome qi ad aver champestre trente deners vaillaunt, deit doner le dener Sein Piere. Le Seignur pur quatre deners qu'il donrad, si erent quites ses bordiers, e ses bovers, e ses Seriaunz. Li Borgeis qi ad en soun propre chattel demi marc vaillant, deit doner le dener Sein Pere. Qui en *Denelahe*, &c. (F.) [A free man, who has property in land of the value of thirty pence, must pay St. Peter's penny. The lord (of the manor) by a payment of four pence will discharge the obligations of his bordars, herdsmen and household servants. The citizen who has property of his own to the value of half a mark must pay St. Peter's penny. He who in the *Danelaw*, &c.]

XIX. *De oculo eruto.*

Part II.

Si quis alicui oculum quocumque modo eruit, dabit illi septuaginta solidos Anglicos. Quod si pupilla forte remanserit, dabit dimidium tanti.

Si alguns creve l'oïl al altre par avanture, quel qe seit, si amendrad lxx. sols des sols Engleis, et si la prunele y est remis, si ne rendra li qe la meité¹.

[*Concerning an eye knocked out.*

If any man in any manner whatever put out another man's eye, he shall pay him seventy English shillings. But if by chance the pupil remains, he shall pay half that amount.]

XX. *De relevis.*

Relevium Comititis, quod ad Regem pertinet, octo equi, ex quibus quatuor erunt sellati et frenati, et cum eis quatuor loricæ, quatuor galeæ, quatuor lanceæ, quatuor scuta, et quatuor gladii; alii quatuor equi erunt palefridi et *chascuri*, cum *frenis* et *camis*². Relevium Baronis quatuor equi, ex quibus duo sellati erunt et frenati, et cum eis loricæ duæ, scuta duo, galeæ duæ, lanceæ duæ, gladii duo. Reliquorum duorum equorum, alter erit palefridus, alter *chascur*³ cum *frenis* et *chamis*. Relevium Vavas-

De relief a Conte, ki al Rei afert, oit chevaux, les quatres enfrenez e enseelez, e quatre haubercs e quatre haumes, e quatre escuz, e quatre lances e quatres espees. Les autres quatres chevaux, deux chaceurs e deux palefreis a freins e a chevestres. De relief a Barun, quatre chevaux, les deux enfrenez e enseelez, e deux haubercs, e deux haumes, e deux escuz, e deux espees, e deux lances. E les autres deux chevaux, un chaceur e un palfrei, a

[*Concerning reliefs.*

The relief of an Earl, which belongs to the King, shall be eight horses, of which four shall be saddled and bridled, and with them four breastplates, four helmets, four lances, four shields and four swords; the other four horses shall be palfreys and *hunters* with *bridles* and *bills*. The relief of a Baron shall be four horses, of which two shall be saddled and bridled, and with them two breastplates, two shields, two helmets, two lances and two swords. Of the remaining two horses one shall be a palfrey, the other a *hunter* with *bridles* and *bills*. The relief of a mesne tenant, which belongs to his liege

Part II. soris, quod ad ligium dominum suum pertinet, equus patris sui qualem die obitus habuit; et lorica, galea, scutum, lancea, et gladius. Quodsi forte hæc non habuerit, poterit se solutione centum solidorum adquietare. Relevium villani; melius averium, sive bos fuerit sive equus, sui domini erit. Qui terram ad censum annum tenet, sit ejus relevium quantum unius anni census.

freins e a chevestres. De relief a Vavassur a sun lige seinur, deit estre quite par le cheval sun pere, tel cum il out le jur de sa mort, e par sun haume e par sun escu, e par sun hauberc, e par sa lance, e par s'espee. E s'il fust desaparaillé qu'il n'oust cheval ne armes, fust quite par cent sols. Del relief al Vilain, le meillur avoir qu'il averad, u cheval, u bof, u vache durrad a sun seinur. E puis seient tuz les vilains en franc plege.

lord, shall be his father's horse such as he had on the day of his death, and a breastplate, helmet, shield, lance and sword. But if by chance he shall not possess these things, he shall be able to acquit himself on payment of a hundred shillings. The relief of a villein; his best beast, whether ox or horse, shall be his lord's. He who holds land at a yearly rent, let his relief be an amount equivalent to the rent of one year.]

XXI. *De waranto producendo.*

Si clamaverit quis vivum averium quasi furto sibi surreptum, et dederit vadium, et invenerit plegios de clamio proseguendo; oportet eum qui rem in manu habet, warantum suum producere. Quod si non potest, *Hemoldborh* et testes producat. Si vero warantum producere non potest nec *Hemoldborh*, sed testes habet quod

De entercement de vif avoir; kil voldra clamer pur embled, e voldrad duner gwage e truver plege a parsuire sun apel; dunc estuvera celui ki l'avera entre mains, numer sun guarant, s'il l'ad, e s'il ne l'ad, dunc numerad il sun *heimelborch*,...e ait les a jur e a terme, s'il les ad. E li enterceur le mettrad en guage, sei

[Concerning the production of a warranter.

If any man claim any live beast as having been taken away from him by theft and give security and find sureties to prosecute his claim, it is necessary that he who has possession of the property should produce his warranter. But if he cannot, let him produce *the bondsman of the seller* and witnesses. If however he cannot produce either the warranter or *the bondsman*, but has witnesses to prove that

in mercato regis emerit, cum¹ *Hemoldborh*, sed nec warantum nec **Part II.** plegium s[c]lit vivum vel mortuum, perdet rem illam quæ calumniatur; et simplici juramento suo et testium suorum se purgabit. Quod si nec warantum, nec plegium, nec testes invenerit, tunc præter causam clamantis, *were* Domino suo solvet. Hoc generale est in *Merchenalahe*, et *Danelahe*, et *Westsaxenelahe*. Nemo autem cogetur warantum vocare antequam calumniator producat *engaige*, manu sexta. In *Danelahe* ponetur res in manu equali donec dirationetur. Si autem probare poterit per tres partes visneti sui, quod sit de nutritura sua, disrationabit; quia ex quo per juramentum adjudicatum est, non potest abjudicari per judicium *Angliæ*.

siste main, e le auter le metrad en la main sun guarant, u a sun *heimelborch* le quel qu'il averad. Et s'il n'ad guarant ne *heimelborch*, e il ait les testimonies qu'il le achatad al marche le Rei, e qu'il ne set sun guarant, ne sun plege, vif ne mort, ceo jurrad od ses testimonies od plein serment; si perdera sun chatel, s'il testimonient qu'il *heimelborch* enprist. E s'il ne pot guarant ne testimonie avoir, si perderad e parsoudrad, e pert sun avoir ver sun seinur. Ceo est en *Merchenelahe* e en *Denelahge*. En *Westsexenelaghe* ne vocherad il mie sun guarant, devaunt iceo qu'il seit mis en guage. En *Denelaghe* mettrad l'om l'avoir en uële main de ici qu'il seit derehdned, e s'il pot prover que ceo seit de sa nureture, par de tres parz de sun visned, si l'averad derehdne. Kar puis qe le serment lui est juged, ne l'en pot l'om puis lever par le jugement de *Engleterre*.

he bought the beast in the King's market with a seller's bondsman, but knows neither warranter nor bondsman, alive or dead, he shall lose the thing that is claimed, and shall purge himself merely by his own oath and that of his witnesses. But if he shall find neither warranter nor bondsman nor witnesses, in addition to the claim of the plaintiff, he shall pay his *were* to his Lord. This holds good in the *Mercian district*, the *Danelaw* and the *West Saxon district*. Moreover no one shall be compelled to call upon his warranter before the accuser gives security six-handed. In the *Danelaw* the property is put in neutral hands until the case is decided. If however he shall be able to prove by three-quarters of the people living in his neighbourhood that the beast was of his own rearing, he shall gain his cause; because once it has been decided on the strength of sworn testimony, it cannot according to *English law* be upset².]

Part II.

XXII. *De murdre.*

Si quis Francum hominem occiderit, et non capiant homines de visneto occisorem infra ebdomadam, et offerant justitiariis ad ostendendum, quamobrem hoc ille fecerit, reddent pro murdre quadraginta septem marcas.

De murdre. Ki Franceis ocist, e les humes del hundred nel prengent e meinent a la justice dedenz les oit jurs, pur mustrer k'[il] l'ait fet, si renderunt le murdre quarante e sept mars.

[Concerning murder.]

If anyone kill a Frenchman and the men of the neighbourhood do not capture the slayer within a week and bring him before the Justices to shew why he did that deed, they shall pay for the murder forty-seven marks.]

XXIII. *Si quis contra dominum suum terram petat.*

Si voluerit quis conventionem terræ tenendæ adversus dominum suum disrationare, per pares suos de eodem tenemento, quos in testimonium vocaverit, disrationabit; quia per extraneos id facere non poterit.

Si hom volt derehdner cuvenant de terre vers sun Seinur, par ses pers de la tenure meimes, qu'il apelerad a testimonie, lui estuverad derehdner; kar par estrange ne purrad pas derehdner.

[If anyone sues his lord for land.]

If anyone wish to prove a covenant concerning the holding of land against his lord, he shall prove it by his peers of the same holding whom he shall call to bear witness; for he cannot prove his covenant by men outside the holding.]

XXIV. *Si quis negat in curia se dixisse quod ei imponitur.*

In omni curia, præterquam in præsentia Regis, si cui imponitur quod in placito dixerit aliquid, quod ipse negat se dixisse, nisi

De hume ki plaided en curt, en ki curt que ceo seit, fors la u le cors le Rei seit, e hom lui met sure k'il ad dit chose qu'il

[If anyone denies in Court what he is charged with having said.]

In every court, except in the presence of the King, if anyone is charged with having said something in his plea, which he denies that

possit per duos intelligibiles homines de [visu et] auditu con- **Part II.**
vincere, recuperabit ad loquelam suam¹.

ne voille conuistre; s'il pot derehdner par deux entendables humes
del plait oant e veant, qu'il ne l'averad dit, recovré ad sa parole.

he said, unless his opponent can prove his charge by two credible
men, eye and ear witnesses, he shall re-establish his pleading.]

XXV. *De francplegio.*

Omnis qui sibi vult justitiam exhiberi, vel se pro legali et
justiciabili haberi, sit in *francplegio*.

[For the corresponding French version of this law,
see above, p. 134, line 13.]

[Concerning Frankpledge.

Everyone who wishes that justice be dealt to him and that he
be considered as possessing full legal right and access to the courts,
shall be in *frankpledge*.]

XXVI. *De tribus stratis regiis.*

In tribus stratis regiis, id est *Watelingestrete*, *Ermingestrete* et
Fosse, qui hominem per patriam transeuntem occiderit, vel
assultum fecerit, pacem regis infringit.

De quatre chemins, ceo est a saveir, *Watlingestrete*, *Ermingestrete*,
Fosse, *Hykenild*,—Ki en aucun de ces quatre chemins ocist aucun
ki seit errant par le pais, u assault, si enfreint la pais le Rei.

[Concerning the three royal roads.

In the three royal roads, that is *Walling Street*, *Ermine Street*
and the *Fosse Way*, he who kills or makes an assault on a man
travelling through the country commits a breach of the King's
peace.]

XXVII. *Si furtum cum fure reperitur.*

In cujuscumque terra fur cum furto invenitur, dominus terræ
et uxor furis habebunt medietatem omnium bonorum furis;

Si larrecin est trued, en ki terre que ceo seit e le larrun ovoc,

[If the stolen property is found with the thief.

In whosoever land a thief is found with stolen chattels, the
lord of the land and the wife of the thief shall each have half of all

Part II. calumpniator autem rem sibi furatam, si invenit. Et alteram medietatem, nisi inveniatur in terra ejus qui habet *soch* et *sach* &c., quia tunc uxor perdet, et dominus habebit.

le seinur de la terre e la femme averunt la meité del avoir al larrun, e les chalenurs lur chatel s'il le trouvent. El'autre meited s'il est trové dedenz sache e soche, si perderad la femme, e le seinur l'averad.

the goods of the thief; the accuser however shall have the chattel stolen from him, if he finds it; and the wife the other half, unless the chattel is found on the land of a man who has sac and soc &c., because then the wife shall lose her share and the lord shall have it.]

XXVIII. *De viarum custodibus.*

De qualibet hida in hundredo iiij homines ad *Stretwarde* invenientur a festo Sancti Michaelis usque ad festum Sancti Martini¹. Et *Guardereve*, id est præpositus custodum, habebit triginta hidas quietas pro labore suo. Quodsi averia per locum custodiæ suæ transducta fuerint, et non possint monstrare nec clamorem suum nec vim sibi illatam, reddent illa.

De stret-warde de chascuns dis^a hides del hundred, un^a hume dedenz la feste Seint Michel e la Seint Martin; e si le Guardereve averad trente hides, quite serrad pur sun travail. E si avoir trespasse par illoc u il deivent guaiter, e il ne puissent mustrer ne cri ne force que lur fust faite, si rendissent, l'aveir.

[Concerning the guardians of the roads.]

Four men from every [ten] hides of land in the hundred shall be found to act as Streetwards from the feast of St. Michael to the feast of St. Martin. And the *Wardreeve*, that is the superintendent of the watchers, shall have thirty hides free from this obligation for his labour. But if any (stolen) beasts shall be driven across the place which they guard and they are not able to prove that they raised hue and cry or that violence was done them, they shall make good the beasts to the loser.]

^a "x hides" in the manuscript, and "dis" in Fell. Perhaps for "un" we should read "iiij," as in the Latin text, and as in Selden.

XXIX. *De colonis terræ.*

Coloni et terrarum exercitores non vexentur ultra debitum et statutum. Nec licet dominis remove colonos a terris, dummodo debita servicia persolvant.

^a Cil qui cultivent la terre ne deit l'um travailler ultre lour droite cense non ; ne leist a seignurage departir les cultivateurs de lur terre pur tant cum il puissent lur dreit servise faire.

[*Concerning cultivators of the land.*

Cultivators and tillers of the land shall not be burdened beyond what is due and sanctioned by law. Nor may the lord remove any farmers from the lands provided that they perform their due services.]

XXX. *De nativis.*

Nativi non recedant a terris suis nec querant ingenium unde dominum suum debito servicio suo defraudent. Si autem aliquis

Les naifs ki departent de lur terre ne devient cartre de fauce-naivirie¹ quere, que il ne facent lur dreit servise que apend a lour terre. Li naif qui depertet de la terre dunt il est nez e vent a

[*Concerning Naifs.*

Naifs shall not withdraw from their lands nor seek a device whereby they may defraud their lord of his due service. If however anyone depart, no one shall harbour him or his chattels or

^a The Holkham MS. terminates with the preceding law ; and hence to the conclusion is given from the text contained in the history of Ingulphus, as published by Fell, compared with the texts given by Selden (*Spicilegium ad Eadmerum*) and Wilkins, all of which are evidently much corrupted by the negligence of the transcribers. The more palpable errors have been silently corrected ; but some mis-readings yet remain, and must continue so, until the original MS. can be recovered. It is worthy of notice that the language of the whole version has a tinge of the "Langue d'oc" united to the "Langue d'oïl ;" and I should think that it was probably the production of a Poitevin or a Gascon, who used the dialect employed at the court of his Sovereign, but who could not entirely forget the familiar inflections of his native tongue. I can hardly believe it to be earlier than the reign of John, if so old.

Part II. *discesserit, nullus eum receptet vel catella sua, nec retineat, set faciat ad dominum proprium, cum omnibus suis, redire.*

autri terre, nuls nel retenget, ne li ne sez chatels, einz le facet venir arere a faire soun servise tel cum a li apend.

retain him, but he shall cause the man to return to his own lord with all his goods.]

XXXI. *De terra colenda.*

Si domini terrarum non procurent idoneos cultores ad terras suas colendas, justitiiarii hoc faciant¹.

Si les seignurages ne facent altri gainurs venir a lour terre, la justise le facet.

[Concerning the tillage of land.

If the lords of the lands do not procure suitable tillers for the tillage of their lands, let the justices do so.]

XXXII. *Ne quis justum servitium domino subtrahat.*

Nullus pro quacumque remissione ei a domino gratuito facta, debitum subtrahat servitium.

Nului ne toille a soun seigneur soun dreit servise, pur nul relais que il li ait faite en arere.

[That no one withdraw his just service from his lord.

Let no one in consideration of any indulgence gratuitously granted him by his lord, withdraw from him his due service.]

XXXIII. *Ne foemina pregnans judicium mortis subeat.*

Si foemina pregnans adjudicata sit morti, vel membrorum mutilationi, differatur executio sententiæ usque quando pariat.

Si famme est jugee a mort u a defaciun des membres ki seit encientee, ne faced l'um justice iesq'ele seit deliveré.

[That no pregnant woman undergo the penalty of death.

If a pregnant woman be condemned to death or to mutilation of the limbs, let the execution of the sentence be put off until the child is born.]

XXXIV. *De sine testamento morientibus.*

Si quis paterfamilias, casu aliquo, sine testamento obierit, pueri inter se hereditatem paternam equaliter dividant.

Si home mort senz devise, si departent les enfans l'erité entre sei, per uvel.

[*Concerning those who die intestate.*

If any father of a family by any chance die intestate, let the sons divide the inheritance of their father between them in equal shares.]

XXXV. *Si pater filiam adulterantem reperit, vel filius uxorem patris.*

Si pater filiam maritatam in adulterio deprehendit in domo propria, sive in domo generi sui, licet ei adulterium occidere. Similiter, si filius matrem in adulterio deprehendit, patre vivente, licet ei adulterium occidere.

Si le pere truvet sa file en avulterie en sa maisoun, u en la maisoun soun gendre, ben li laist occire l'avultere. * * *

[*If a father take his daughter in adultery or a son his father's wife.*

If a father find a married daughter committing adultery in his own house or in the house of his son-in-law, he is permitted to kill the male adulterer. In like manner, if a son finds his mother committing adultery while his father is alive, he is permitted to kill the male adulterer.]

XXXVI. *De veneficio.*

Si quis alterum veneno occiderit, aut occidatur, aut in exilium perpetuum agatur.

Si home enpuissuned altre, seit occis, u permanablement eissiled.

[*Concerning poisoning.*

If any man kill another man by poison, either let him be put to death or driven into exile for ever.]

XXXVII. *De jactura metu mortis facta.*

Si quis in periculo maris ad navem exonerandam, metu mortis, alterius res in mare projecerit, si suspectum eum habuerit, jramento se absolvet, quod nulla alia causa nisi metu mortis hoc fecerit. Res autem quæ remanent, ex æquo inter omnes dividuntur, secundum catalla singulorum. Quod si aliter actum fuerit, reddet dampnum qui intulit.

Je jettai voz choses de la nef, pur paour de mort et de ceo ne me pœez enplaidier, kar laist a um faire damage a altre, pur paour de mort, quant per ele ne pot eschaper. E si de ceo me viesce¹ que pur paour de mort nel feisse, de ceo m'espurgerai; e les choses que sunt remises en la nef seient departiz en comun, sulun les chatels. E si alcun jethed les chatels fors de la nef senz busun, sil rendet.

[Concerning the jettison of cargo through fear of death.

If any man cast into the sea another man's chattels in order to lighten the ship through fear of death when in peril of the sea; if the owner hold him in suspicion, the man shall clear himself by swearing an oath that he did it for no other reason than from fear of death. Moreover let the chattels which remain be equally divided between all in proportion to the chattels of each man. But if it was done for any other reason, let the man make good the loss which he has caused.]

XXXVIII. *Ne quis ex judicio alterius præjudicium patiat.*

Si duo aut plures hereditatem partiantur, et unus, sine altero vel aliis, in jus vocatus, ex insipincia vel alio casu amiserit; non debent partiarii inde dampnum sentire, quia res inter alios judicata aliis non præjudicat; præsertim si presentes non fuerunt.

Dous sunt parceners de un erithet, e l'un est enplaidé senz l'autre; et par sa folie si pert, ne deit pur ceo l'autre estre perdant, qui present ne fud, kar chose jugé entre eus ne forsjuje pas les autres qui ne sunt a present.

[That no one suffer disadvantage in consequence of the judgment of another.

If two persons or more share an inheritance, and one of them without his partner or partners is summoned at law and lose his case either through foolishness or any other cause, his partners ought not to suffer loss therefor, because an action which is tried between some particular men should bring no disadvantage to other men, especially if they themselves were not present.]

XXXIX. *De judiciis et judicibus.*

Diligentissime attendant iudices ut ita judicent proximum, sicut se a Deo paciscuntur judicandos, cum dicunt, “dimitte nobis debita nostra sicut et nos dimittimus debitoribus nostris.” Qui vero falsum iudicium fecerit, vel injustitiam foverit, odio vel amore vel pecunia, sit in forisfacto Regis de xl. solidis, nisi purgare se possit, quod melius judicare nescivit; et insuper libertatem, si habuit, amittat illam, nisi a Rege eam redemerit. In Danelahē erit in forisfactura de suo *laslīte*¹.

Ententivement se purpensisent cil que les jugements unt a faire, que si jugent cum ils desirent, quant ils dient “dimitte nobis debita nostra.” Ki tort eslevera, u fauz jugement fra pur curruz u pur häure u pur avoir, seit en la forfaiture le Rei de xl. solz. s’il ne pot aleier que plus dreit faire nel sout, si perde sa franchise si al Rei nel pot reachater a soun plesir. E s’il est en Denelahe seit forfait de sa laxlite.

[*Concerning judgments and judges.*

Let judges pay the greatest heed that they so judge their neighbour as they stipulate that they are to be judged by God, when they say “Forgive us our debts as we forgive our debtors.” He who pronounces a false judgment or cherishes injustice, either from hatred or from love or for money, shall pay forfeit to the King of forty shillings, unless he is able to clear himself by proving that he knew not how to render better judgment, and in addition he shall lose any franchise he may possess, unless he buy it back again from the King. In the Danelaw he shall forfeit his *laslīte*.]

XL. *Ne quis pro parvo delicto mortī adjudicetur.*

Prohibemus ne pro parvo forisfacto adjudicetur aliquis homo mortī. Set ad plebis castigationem, alta² pena secundum qualitatem et quantitatem delicti plectatur. Non enim debet pro re

[*That no one may be condemned to death
for a petty fault.*

We forbid that any man be condemned to death for a trifling misdeed. But for the correction of the people let the greatest penalty in accordance with the nature and extent of the crime be inflicted. For the handiwork of God which he made in His own image and

Part II. parva deleri factura, quam ad imaginem suam Deus condidit et sanguinis sui pretio redemit.

bought with the price of His own blood ought not to be destroyed for a trifling matter.]

XLI. *Ne christiani extra terram vel paganis vendantur.*

Inhibemus etiam ne quis christianum in alienam patriam vendat, et maxime infidelibus. Cavendum enim valde est, ne animæ in dampnationem vendantur, pro quibus Christus vitam impendit.

Et nous defendum que l'um Christien fors de la terre ne vende, n'ensurchetut en paisnime. Wart l'um que l'um l'aume ne perde que Deu rechatat de sa vie.

[*That no Christian be sold outside the land or to heathen people.*

We also forbid anyone to sell a Christian into a foreign country and especially to infidels. For we must carefully guard against souls being sold into damnation for which Christ paid the price of His life.]

XLII. *De hiis qui justum judicium repellunt.*

Qui legem æquam et justum judicium subire renuit, forisfacturam reddat ei, cujus erit juris illam accipere. Si adversus Regem, vj libras; si adversus Comitem xl. solidos; si in hundredo vel in cujuscumque curia qui eam ex libertate habere debet, xxx. solidos Anglicos. In Danelahē qui rectum judicium subire contempserit, erit in forisfactura de suo *laxlite*.

E qui dreite lei e dreite jugement refuserad, seit forfait envers celi ki dreit, ceo est a avoir; si ceo est envers li Rei vi. livers, si ceo est envers Counte xl. sols., si ceo est en hundred xxx. sols., e envers touz iceus ki curt unt en Engleterre trente solz Engleis. E en Denelahe qui dreit jugement refusera, seit en la mercie de sa *laxlite*.

[*Concerning those that resist just judgment.*

Let him who refuses to submit to a fair and just judgment, pay forfeit to him whose right it is to receive it. If against the King, six pounds, if against an Earl forty shillings, if in the hundred or in the court of any one who is entitled to have a court in respect of franchise, thirty English shillings. In the Danelaw, he who shall refuse to submit to a lawful judgment shall pay forfeit of his *laxlite*.]

XLIII. *Ne quis Regi conqueratur nisi ei hundredus vel comitatus defecerit.* Part II.

Nemo querelam ad Regem deferat, nisi ei jus defecerit in hundredo vel in comitatu.

Ne face l'um plainte a Roi, d'ici que l'um seit defailli el hundred u el conté.

[*That no one make plaint to the King unless the court of the hundred or of the county has failed to do him justice.*

Let no one make plaint to the King, unless he has failed to receive justice in the court of the hundred or of the county.]

XLIV. *Ne quis temere namium capiat.*

Nullus namium capiat in comitatu vel extra, nisi rectum in hundredo vel comitatu tertio postulaverit. Quodsi nec ad tertiam postulationem responsum acceperit, eat ad comitatum, et comitatus ponat ei quartum diem. Quodsi nec tunc ei satisfactum fuerit, accipiat licenciam namium capiendi pro suo, et prope et longe.

Ne prenge hum nul nam en conté ne defors, d'ici qu'il eit tres foiz demandé dreit el hundred u el conté; e s'il a la terce fiee ne pot dreit aver, alt al conté, e le conté lui asete le quart jurn; e se cil i defait de ki il se claime, dunt prenge congé que il puisse nam prendre pur le suen, luing e pres.

[*That no one rashly levy a distress.*

Let no one levy a distress either in the county or outside its bounds unless he has demanded his right for the third time in the court of the hundred or of the county. But if he receive no response to his third demand, let him go to the court of the county and let the court of the county fix a fourth day for him. But if he does not even then receive satisfaction, let him receive permission to levy a distress both near and far for what is due to him.]

XLV. *Ne quis aliquid sine testibus emat.*

Nemo emat vel vivum vel mortuum, ad valenciam iiij. denariorum sine iiij. testibus, aut de Burgo aut de villa campestri.

Ne nul achat le vailiant de iiij. d. ne mort ne vif, sans testimonie de iiij. hommes u de burc, u de vile. E si hum le chalange,

[*That no one buy anything without witnesses.*

Let no one buy anything either alive or dead, to the value of four pence without four witnesses, either from a borough or from a country

Part II. Quodsi aliquis rem postmodum calumpniatus fuerit, et nec testes habuerit nec warantum, et rem reddat et forisfacturam, cui de jure competit. Si vero testes habet, videant¹ rem tertio; et quarta vice aut rem disrationet aut amittet.

e il n'en ait testimonie, si n'ad nul warant rende l'um al hum soun chatel, e le forfait a cil qui aver le deit. E si testimonie ad, sicum nous einz desimes, voest les treis faiz, e a la quart feiz le dereinet u il le rende.

town. But if anyone subsequently claim the property and the possessor has neither witnesses nor warranter, let him return the article to the claimant and pay forfeit to him whose right it is. But if he has witnesses, let them view the article three times and the fourth time he shall either establish his claim to it or lose it.]

XLVI. *Ne probacio fiat super testes.*

Absonum videtur et juri contrarium, ut probatio fiat super testes, qui rem calumpniatam cognoscunt; nec admittatur probatio ante terminum statutum, scilicet vj. mensem, ex quo furatum fuit quod calumpniatur².

A nus ne semble pas raisoun que l'um face pruvance sur testimonie, ki conussent ceo que entercé est; e que nul nel prust devant le terme de vi. meis apres iceo que l'aveir seit emblé.

[*That proof may not be made against witnesses.*

It seems dissonant and contrary to law that proof should be made against witnesses who know the thing claimed; and let not proof be admitted with reference to anything prior to the fixed term, that is six months from the time when the article claimed was stolen.]

XLVII. *De rectato qui vocatus non comparet.*

Si quis malam habens famam et de infidelitate rectatus tertio vocatus non comparet, quarto die ostendant summonitores tres

E cil qui est redté e testimoniet de deleauté, e le plaît tres foiz eschuit, e al quart mustrent li sumenour de ses treis defautes:

[*Concerning an accused man who does not appear when summoned.*

If any man who has an ill repute and is accused of dishonesty does not appear when summoned for the third time, on the fourth day let those who summoned him declare the three defaults and let

defaltas, et adhuc summonitionem habeat, ut plegios inveniat et Part II.
juri pareat. Quodsi nec sic copiam sui fecerit, judicetur sive vivus
sive mortuus, capiaturque quicquid habet, et redditus calump-
niatoribus catallis, residuum dividant inter se ex æquo dominus
et hundredus. Quodsi amicorum aliquis hanc justitiam diffortiat,
sit in forisfactura vj. librarum versus Regem. Queraturque fur,
nec habeat quisquam potestatem eum tenendi, vel vitam ei
warantizandi, nec ad placitum ultra recuperare potest.

uncore le mande l'um que il plege trufe e vienge a dreit. E s'il ne
volt, si le juist l'um u vif u mort; si prenge l'um quanque il ad e
si rende l'um al chalangeur sun chatel, e li sire ait la meité del
remenant e le hundred la meité. E si nul parent u ami ceste
justise deforcent, seient en forfait envers li Rei de vi. lib. E
quergent le larun, ne, en ki poesté q'il seit trové, n'eit warant
de sa vie ne par defense de plait n'ait mes recoverer.

him receive a further summons to find sureties and obey the law.
But if even so he do not present himself, let judgment be passed on
him alive or dead, and let his goods be seized and, after the chattels
have been restored to the claimants, let the lord and the hundred
equally divide the remainder among themselves. But if any of his
friends deforce this justice, let him pay the forfeit of six pounds to
the King. And let the thief be sought for and let no one have the
power of protecting him or of warranting his life, nor can he get his
sentence revised by plea.]

XLVIII. *Ne quis hospitem ultra tres noctes non retineat.*

Nullus hospitem ultra tertiam noctem recipiat, nisi ille cum
quo prius fuit, hoc ei mandaverit. Nec permittat quis hominem
[suum], postquam rectatus est, a se recedere.

Nuls ne receit hom ultre iii. nuits si tel ne li comand od qui
il fuist ainz. Ne nuls ne lait sun hum de li partir, puis que il
est reté.

[*That no one retain a guest beyond three nights.*

Let no one entertain a guest beyond the third night, unless he,
with whom he formerly was, shall have requested him to do so.
And let no one allow his man to depart from him after he has been
accused.]

Part II.

XLIX. *Ne quis furem fugere permittat.*

Si quis latroni obvians sine clamore eum transire permittit, in forisfactura sit ad valenciam latronis, nisi juramento probaverit quod eum latronem esse nescivit.

E ki larun encontre, e sanz cri ascient li leit aler, si l'amend a la vailaunce del larun, u s'en espurge per plenere lei, que il laroun nel sout.

[That no one allow a robber to escape.]

If anyone meet a thief and permit him to pass without hue and cry, let him pay forfeit to the value of the thief, unless he prove on oath that he did not know that he was a thief.]

L. *De non insequentibus clamorem.*

Qui clamore audito insequi supersederit, de sursisa erga Regem emendet, nisi se juramento purgare potuerit.

E ki le cri orat e sursera, la sursise al Rei amendera, si ne s'espurget.

[Concerning those who do not follow a hue and cry.]

If anyone hears a hue and cry and neglects joining in the pursuit, let him make amends for his default to the King, unless he be able to purge himself by oath.]

LI. *De culpato in hundredo.*

Si quis in hundredo inculpatus fuerit et a iiij. hominibus rectatus, purget se manu xij.

Si est ascons qui blamet seit dedenz le hundred, e iv. humes le rectent, sei duzime main s'espurget.

[Concerning anyone charged in the hundred.]

If any man be charged within the hundred and be declared suspect by four men, let him purge himself twelve-handed.]

LII. *Ut dominus in francplegio habeat [Servos] suos.*

Omnes qui servientes habent, eorum sint francplegii; quodsi rectati fuerint, ad rectum in hundredo eos habebunt. Quodsi

E chascun senieur eit soun seriant a sun plege, que si nul le rete, que il l'ait a dreit el hundred. E si il s'en fuist dedenz la

[That a lord have his men in frankpledge.]

Let all those who have servants be their frankpledges; but if they be under suspicion, they shall cause them to stand to right

infra rectationem aliquis fugerit, dominus solvat *were*. Et si **Part II.**
calumpnietur quod per eum fugerit, aut purget se manu sexta
aut erga Regem emendet; et is qui fugerit, uthlagetur.

chalance, li sire rende sun *were*. E si l'um chalance le seignour,
que par li s'en seit ale, si s'escundie sei siste main, e s'il ne pot,
envers li Rei l'ament; e cil qui s'en fuist, soit utlagé.

in the hundred. But if anyone while under suspicion flee, let his
lord pay the *were*. And if it be claimed that he escaped through
his connivance, let him either purge himself six-handed or pay
amends to the King; and let him, who runs away, be outlawed.]

Part II.

LAWS OF THE CONQUEROR, &c.

THE KING'S PEACE, &c. (I., II.)

The King's Peace, how given (see also Part I., p. 233).

THESE laws had a double object: the security of the right of sanctuary, and the observance of the peace; and they attempted to repress the crime by creating an additional party against the offender. All our churches, says Canute (I. 3), whose laws are substantially copied by the Conqueror, are equal in holiness and consecration, but in worldly estimation they are not equally worthy; and upon this principle was formed the graduated scale.

Peace given by the King's hand or personal pledge.

As to the "King's Peace," the fines imposed were greatly varied by local customs, and the general rate was probably to be adopted, only where any special custom did not exist. Frequent mention is made of Peace given by the King's own hand—"Cyninges handsealde grith," or by the Monarch giving his personal pledge that both parties should abstain from hostilities. It might be given in the same manner by the Earl or by the Gerefa; in the Wapentake or in the "Alehouse." But the breach of the King's Peace exposed the offender to very heavy fines, or even to capital punishment, whilst in other cases more moderate penalties were imposed upon the transgressor.

Peace thus given by the King's writ and seal, the origin of the protections of later periods.

Peace is stated in Domesday to have been given by the King's seal, that is to say, by a writ under seal^a. This practice, which

^a Pax data manu Regis, vel sigillo ejus, si fuerit infracta, Regi solummodo emendetur per duodecim hundredos, unumquodque hundredum octo libras.—Pax a Comite data et infracta, ipsi Comiti per sex hundredos emendatur, unumquodque hundredum octo libras (Everuicshire, p. 298).—Pax data manu Regis vel suo brevi, vel per suum legatum, si ab aliquo fuisset infracta, inde Rex centum solidos habebat; quod si ipsa pax Regis, jussu ejus a Comite data, fuisset infracta, de c. solidis, qui pro hoc dabantur, tertium denarium Comes habebat; si vero a Præposito Regis, aut a Ministro Comitibus eadem pax data infringeretur, per quadraginta solidos emendebatur, et Comitibus erat tertius denarius. Si quis liber homo, Regis Pacem datam

is not noticed in the Anglo-Saxon laws, continued in the pro-
tections granted at a much later period; though after the general
law of the King's Peace was established, such a charter had
ceased to afford any special privilege. All the immunities arising
from residence within the verge or ambit of the King's presence—
from the truces, as they are termed in the Continental laws,
which recurred at the stated times and seasons—and also from
the "handselled" protection of the King, were then absorbed in
the general declaration of the Peace upon the accession of the
new Monarch. This custom was probably introduced by Henry II.
It is inconsistent with the laws of Henry I., which, whether an
authorized collection or not, exhibit the jurisprudence of that
period, but it is wholly accordant with the subsequent tenor of
the proceedings of the Curia Regis.

On the accession of John, or rather after he had acquired
his inchoate right of accession, we find the ceremony particularly

"The King's
Peace," how
proclaimed on
the accession of
John (see
Part I., p. 233).

infringens in domo, hominem occidisset, terra ejus et pecunia tota
Regis erat et ipse *utlagh* fiebat. (Cestrescire, p. 262.) Si quis occiderit
hominem pacem Regis habentem, et corpus suum et omnem sub-
stantiam forisfaciebat erga Regem. (Berocheshire, p. 56.)

[If the King's Peace, given by his own hand or by his seal, be
broken, amends shall be made to the King alone by twelve hundreds,
each several hundred paying eight pounds. If the peace given by an
Earl be broken amends are made to the Earl himself by six hundreds,
each several hundred paying eight pounds. (Yorkshire, p. 298.)

If the King's Peace given by his own hand or by his writ or by his
agent be broken by any man, the King had one hundred shillings
therefor; but if the King's Peace, given at his bidding by an Earl,
were broken, the Earl had the third penny of the hundred shillings
paid for such a breach. But if the same Peace given by a Reeve
of the King or by a minister of the Earl were broken, amends were
made by forty shillings and the Earl received the third penny. If
any free man made a breach of the King's Peace given in the King's
house and killed a man, his land and all his money became the pro-
perty of the King and the man himself became an *outlaw*. (Cheshire,
p. 262.)

If any man killed a person having the King's Peace, he forfeited
his body and all his substance to the King. (Berkshire, p. 56.)]

These extracts, together with the other passages quoted, Part I.,
p. 233, will sufficiently establish the position in the text. Outlawry
was equivalent to a sentence of death, since the offender might be slain
with entire impunity.

Part II.

described. Hubert, Archbishop of Canterbury, and William Mareschal, who had been sent to keep the peace of England, caused all the men of the Cities and the Boroughs—all Earls, Barons, and Freeholders, to swear that they would be faithful and keep the peace of John, Duke of Normandy, son of King Henry, son of Maud, the Empress, against all men^a. After the decease of Henry III. the same proceeding was repeated; and though, in consequence of the greater stability which was now attached to the principles of lineal succession, Edward was already considered as King, still the allegation that the trespass was committed after the proclamation of the King's Peace by his Magnates^b appears to have been required in order to ground the jurisdiction of the King's Council when a civil action was brought against the offender; and hence it may be inferred that, before the Proclamation, the King's Court had no such authority.

Proclamation of the Peace on the accession of Ed. I. (see Part I., p. 251).

“WERE,” OR PECUNIARY COMPENSATION FOR PERSONAL INJURIES. (VII. TO XII.)

These fines, the most ancient safeguards of the administration of Teutonic justice, are detailed with greater minuteness in the laws of Ethelbert. In case of murder of a freeman, the first instalment of twenty shillings was to be paid at the open grave, or down upon the coffin^c, and the residue within forty days. If

“Were,” i.e. damages or compensation paid for bloodshed or personal injuries—(see Part I., p. 35).

^a Hoveden, p. 450.

^b Norff. *Stephanus*, Serviens Personæ de *Bekeswelle* attachiatus fuit ad respondendum *Willielmo Belet*, quare, post pacem Domini Regis per Magnates suos nuper publice clamatum, usque ad curiam prædicti *Willielmi Belet* de *Marham*, vi et armis accessit, et domos ibidem prostravit, et combussit, et alia enormia ei intulit, &c.—Placita coram Consilio Domini Regis. Trin. 1 Ed. I.

[Norfolk: *Stephen*, Serjeant of the Parson of *Beaxwell*, was attached to answer *William Belet*, why, after the peace of our Lord the King had lately been openly proclaimed by his Magnates, he attacked the court of the aforesaid *William Belet* of *Marham* with force and arms and razed the houses there and burnt them and committed other grave offences against him, &c. (Pleas before the Council of the Lord King. Trin. 1 Ed. I.)]

^c Gif man mannan ofslæth æt openum græfe, xx scillinga forgelde.¹

[If any one kill a man, let compensation be made at the open grave by payment of twenty shillings.]

Wilkins supposes that this law relates to offences committed

the offender fled the country, his "Magas" were to pay the half; **Part II.**
 one of the many proofs of mutual responsibility of clan and kindred. The scale for personal injuries, inside and outside, and from head to foot, is extremely curious, as will appear from the following specimens. (Part I., pp. 57, 150, 151.)

If the hair be plucked or pulled, let fifty sceattas be paid in compensation. If the scalp be cut to the bone [of the skull], so that the latter appear, let compensation be made by payment of three shillings.

If the bone of the skull be injured, let compensation be made by payment of four shillings.

If the outer bone of the skull be fractured, let compensation be made by payment of ten shillings^a.

If both the bones [of the skull] be fractured, let compensation be made by payment of twenty shillings.

If the shoulder be lamed, let compensation be made by payment of twenty shillings.

If either ear lose its hearing, let compensation be made by payment of twenty-five shillings.

If an ear be cut off, let compensation be made by payment of twelve shillings.

If an ear be cut through, let compensation be made by payment of three shillings.

If a piece of the ear be cut off, let compensation be made by payment of six shillings.

If an eye be lost, let compensation be made by payment of fifty shillings.

If an injury be done to the mouth or the eye, let compensation be made by payment of twelve shillings.

If the nose be run through, let compensation be made by the payment of nine shillings.

at a funeral. Si quis aliquem occiderit ad apertum sepulchrum, xx solidos compenset (p. 3). By merely changing the position of the comma, the true sense is obtained. Gif man mannan ofslæth, æt openum græfe xx scillinga forgelde.

^a Gif sio uterre *hion*¹ gebrocen weordeth x scillingum gebete. Si id penitus ipsi rumpatur, x solidis compenset. (Wilk.) The translation is unintelligible, but the reading of the text may be easily restored by comparison with the tariff of Alfred, who, amongst his head-wounds, includes the following fracture:—Gif thæt *uterre ban* bith thyrel, gesylle fiftyne scilling to bote.² [If the *outer bone* is pierced, let compensation be made by payment of twenty shillings.]

Part II.

If one of the cheeks be pierced, let compensation be made by payment of three shillings.

If both, let compensation be made by payment of six shillings.

If either of the nostrils be cut out, let each be compensated by payment of six shillings.

If either be cut through, let compensation be made by payment of six shillings.

Whoever fractures the chin-bone, let him forfeit twenty shillings for the offence.

For each of the four front teeth, six shillings.

For the tooth that stands by the front teeth [on either side] four shillings.

For the tooth that stands by the last-mentioned tooth, three shillings; and for every other tooth, one shilling. If the speech be affected, twelve shillings.

If a shoulder blade be broken, let compensation be made by payment of six shillings^a.

Whoever pierces the arm, shall make compensation by payment of six shillings.

If an arm be broken, let compensation be made by payment of six shillings.

If a thumb be cut off, let compensation be made by payment of twenty shillings; and for a thumb-nail three shillings.

If the shooting-finger (i.e. the forefinger) be cut off, let compensation be made by payment of nine shillings.

If the middle finger be cut off, let compensation be made by payment of four shillings.

If the gold finger (i.e. the ring or third finger) be cut off, let compensation be made by payment of six shillings.

If the little finger be cut off, let compensation be made by payment of eleven shillings.

^a Gif *wido ban* gebroced weordeth vi. scill. gebete. Si *Maxilla* fracta fuerit, sex solidi compensentur. (Wilk.) [If the shoulder blade be broken, let the offender make compensation with six shillings. If the *jaw bone* be fractured, let six shillings be paid as compensation.] Wilkins, in this, as in many other instances, guessed at hap-hazard. The term is satisfactorily interpreted by the Frisic dialect: "*Wideben*, dat is sculterblad;" i.e. *wideben*, the shoulder blade, the wide or broad bone.—Hofm. Obs. apud Wiarda, B. W., p. 140. [*Wideben*, that is shoulder blade....Hoffmann, Observations in Wiarda, Willküren der Brockmänner (Free choices of the Brockmannen, i.e. special Landlaw of the Brokmer Land).]

For every [finger] nail, one shilling.

For the smallest disfigurement or deformity [in the countenance], three shillings; and for a larger one, six shillings^a.

If one man hit another on the nose with his fist, let compensation be made by payment of three shillings. If there be a bruise on the nose, one shilling.

If the injured party receive a bruise on the right hand, let the other make compensation by payment of one shilling^b.

^a *Æt tham lærestan wlitewamme iii. scill'. and æt tham maran vi. scill'.*—Wilk., p. 6. The following parallel passages are striking proofs of the similarity between the legal terminology of the Anglo-Saxons and of their Continental kindred. *Pro minimo nævo tres solidi, et pro majoribus sex solidi. Si os fregerit vel uulituum¹ fecerit, corpus, vel coxum, vel brachium perforaverit, cexl. sol. vel cum undecim juret.*—Lex Saxonum, tit. i. § 5. [For the smallest disfigurement three shillings; for larger ones six shillings. If he break a bone or make *uulituum*, or stab the body or the thigh or the arm, let compensation be made by payment of two hundred and forty shillings or let him take an oath with eleven others. (Law of the Saxons, tit. i. § 5.)] *Uulituum l. solid. componat, vel cum sex juret.*—Lex Anglorum, tit. v. § 10. [Let fifty shillings be paid in compensation for *uulituum* or let the aggressor take an oath with six others. (Law of the English, tit. v. § 10.)] *Sa is thi wlitewlemelsa tian skitt.*—Asega Buch, p. 179. “So is any deformity to be compensated by payment of ten shillings.” I translate the translation of the learned Wiarda. But is not the word *skitt*, which occurs not unfrequently in his text, equivalent to the Anglo-Saxon *sceatta*? *Wlitewimmelsa* is xxxii. penninge.—Old Frisic Laws, p. 362. *Si ex percussione deformitas faciei illata fuerit, quæ de duodecim pedum longitudine possit agnosci, quod wlituum dicunt, ter iv. sol. componat.*—Lex Fris. add. Sap. iii. 9. § 16. [If, in consequence of a blow, any disfigurement be inflicted on the countenance and this disfigurement can be seen at a distance of twelve feet, which they call *uulituum*, let compensation be made by payment of twelve shillings. (Law of the Frisians, Supplement, iii. 9. § 16.)]

^b *Gif he heahre² handa dyntes onfehth scill' forgelde* [If he shall deliver a blow with the hand raised, let compensation be made by payment of a shilling]; which Wilkins translates, “*Si elata manu plagam exceperit, solido compenset*”;—but “*heahra hand*” means the *higher* or right hand. Högra-hand, S.G.—Ihre. In the Gothic dialects the right and the left seem to have been so denominated from relative position with respect to the sun. Looking towards the east, the south

Part II.

If a livid bruise be occasioned in a part which is not covered by the dress, let compensation be made by payment of thirty sceattas.

If the bruises be covered by the dress, twenty sceattas for each.

If the midriff be wounded, let compensation be made by payment of twelve shillings. If the midriff be pierced, let compensation be made by payment of twenty shillings.

If the "cear" be wounded, let compensation be made by payment of three shillings^a.

If a man be emasculated, let compensation be made by payment of a triple "leodgeld."

If a thigh be broken, let compensation be made by payment of twelve shillings. If, in consequence of a fracture, the party become lame, then the relations may arbitrate.

If a rib be broken, let compensation be made by payment of three shillings.

If a thigh be stabbed, six shillings for every stab. If the stab be above one inch in depth, one shilling more; if above two inches, two shillings more; if above three inches, three shillings more.

If one of the vertebræ be wounded, let compensation be made by payment of three shillings.

is on the right when the sun is at the highest. On the left is the north, the region of obscurity; and hence the left is denominated *Winestre* (A.S.), *Wœnster* (S.G.), *Winister* (Alem.), which are all derived from the same root as *Finster* (Germ.), i.e. dark. An analogous idiom prevails in the Celtic dialects: *Dehoü*, or *Deheu*, signifies the right, and the south; *Chuith*, the left, and the north (Baxter, Gloss. 104, 250). These expressions are retained by their Latin writers, such as Nennius and Asser.

^a *Gif man cear wund iii scill gebete. Si callum quis vulneraverit, tribus solidis emendet. Cear in MS. Roff. extat, ex incuria scribæ pro wear positum esse credo, quia cear non est vox Saxonica (Wilkins).*

[If any one shall wound the skin (callum) let him pay a fine of three shillings. "Cear" is found in the Rochester Text; I believe that it is inserted instead of "wear" through the carelessness of the scribe, because "cear" is not a Saxon word.]

The emendation proposed by Wilkins is not very satisfactory;—perhaps we should read *ceac*, cheek; or, without any alteration, may not the word *cear* be the root of *cara*, R.L., *chiere*, R.F., and *cheer*, O.E., face or countenance?¹

If a foot be cut off, let a fine of fifty shillings be incurred. **Part II.**

If the great-toe be cut off, let a fine of ten shillings be incurred.

For every other toe, half the fine above declared for the corresponding fingers^a.

If the great-toe nail be cut off, let thirty sceattas be paid for compensation. For every other toe nail, ten sceattas.

In the laws of Alfred, the “weres” are no less extensive; but the rates are usually, though not uniformly higher, probably owing to the greater plenty, and consequent depreciation of the currency.

The plaintiff must not heighten the “Leech-fee” (see above, p. 128), by paying the surgeon more than he ought fairly to demand, for the purpose of increasing the costs of the defendant. And the defendant on his part must make due excuses, and acknowledge that, for the sum which he pays, he himself would have pardoned the like injury. These regulations, which appear for the first time in the laws of William, betray the increasing inefficacy of this mode of compensation.

The Scandinavians have preserved the impressive “Trygðamal,” the Assurance of Truce, which stayed the hand of the avenger.—“Strife was between Harold and Thorwald,” spake the Judge; “but now I and the country have set peace between them. The fine hath been told which the Deemsters doomed; and let them be friends in the guild and the guesting-house, at the feast and in the folcmoot, in the church and in the hall.” “May he who breaks his plighted troth be banished and driven from land and home, as far away as man may flee. Let him be a forflemmed man, whilst fire shall flame, whilst the grass shall spring, whilst the fir-tree grows, whilst the babe shall greet after the mother, whilst the mother shall give suck to the babe, whilst the ship shall sail, whilst the shield shall glitter, whilst the sun shall shine, whilst the hawk shall soar, whilst the heavens shall roll, whilst the wind shall howl, whilst the waves shall flow;—let him be forbidden from church and from Christendom, from the house of God and the fellowship of all good men, and never

Scandinavian
“Assurance of
Truce” or
“Trygðamal,”
given upon the
payment of the
blood-fine.

^a Æt tham othrum taum gehwilecū, healf gelde, alswa æt tham fingrum is ewiden. Pro aliis digitis pedis singulis dimidium pretii, sicut de digitis manus dictum est, solvatur.—Wilk., 6.

[For each of the other toes, half the compensation that is prescribed for the fingers.]

Part II.

let him find resting place except in hell^a.”¹ Where such a ceremony prevailed, the peace was evidently most binding, solemn and conclusive.

In England it may be doubted whether the acceptance of the settled “were” or blood-fine was in all cases compulsory upon the kinsmen. And the proverbial expression, “Bige spere of side, other bæ, *id est* Eme lanceam a latere, aut fer^b” [Buy the spear from the side or bear it], seems to imply that whatever may have been the law, the custom allowed the relations to carry on the war, for it is thus that the feud was termed, until the one Clan or Family was fairly defeated, or till both were tired into a compromise. And it may be remarked, that even to the last, the Anglo-Saxon law viewed the strife as being the concern of the whole Sept or kindred^c.

Under the Anglo-Norman Kings, the right of suit secured by the earlier law, and the right of vengeance, stronger than the law, both merged in the “Appeal,” which either brought the feud to a conclusion by the duel of the parties; or left the defendant entirely at the mercy of his adversary, if, after putting himself upon the country, the voice of the Inquest declared him guilty of the charge. There is one ancient law-book in which we read, that such Appeals were prosecuted in the reign of Alfred, according to the form and fashion of Westminster Hall. Here also we find those singular details of Alfred’s stern and vindictive justice, preserved in no other memorial, and not unfrequently quoted as possessing historical authority. The “Mirror of Justices” certainly exhibits a very singular degree of fluency in the application of names, sounding like Anglo-Saxon, at a period when they had ceased to be familiar to the multitude. Andrew Horn, Citizen and fishmonger and Town-clerk of London, the author of this treatise, was a man of no mean importance in his day; and Guildhall yet contains a manuscript collection of laws and statutes², compiled under his care, and which has always been treasured

Feud arising from bloodshed, the affair of the whole clan or kindred, not merely of the offender.

“Appeals” at Common Law substituted for the “Feud” or “Faída” of the Anglo-Saxon period.

Andrew Horn’s “Mirror of Justices,” compiled in the reign of Edward II., contains apocryphal accounts of Anglo-Saxon laws, &c.

^a Paus, Gamle Norske Löve, vol. I. p. 255;—a very valuable collection of the Norwegian laws, little known in this country.

^b LL. Edowardi, 199.

^c Et in omni weregeldo, melius est ut parentes homicidæ pacem simul habeant quam singillatim.—LL. Henrici I.

[And in all were-geld (blood-fine) it is better that the relatives of the homicide have peace in a body rather than one by one. (Laws of Henry I.)]

with great respect in the city archives. There is a tradition of Part II.
an ancient book, written in Anglo-Saxon characters, whilome preserved in the same repertory, and whence Andrew Horn is thought by some to have derived his materials; yet if any such volume ever existed, we can place no great trust in the paraphrase. Andrew himself, unluckily, quotes the "Rolls of Alfred" with such thorough confidence, that it is hardly possible to put any great trust in his warranty^a. And whatever may have been the

^a One of these precedents may perhaps amuse the legal reader:—

"Treason is set forth in appeals in this manner, *according as it is found in the Rolls in the time of King Alfred* :—Bardulf here doth appeal Dirling there, for that, in as much as this same Dirling was the ally of the same Bardulf, the said Dirling came such a day of the year, &c., and during the alliance ravished the wife of the same Bardulf, or counterfeited his seal, or did him some other mischief. Or thus, Hakenson, father, or other parent, or lord, or ally of this Dirling killed; or thus, remained in aid, and in counsel with Daffray, the adversary of this Bardulf, in speech which touched the loss of his life, or members, or of his earthly honour; or thus, discovered his counsel or his confession; or thus, whereas he ought to have a lawful inrolment according to law of such a plea, the same Dirling falsely inrolled the same to his disinherison, or otherwise to his damage; or thus, whereas he was his attorney in such a plea before such judges, to gain or lose, and should have done him right, he lost by his default, or by his folly, negligence, or collusion, or restored the thing on demand, or did him such hurt. Or thus, whereas he should have excused him, or essoined him such a day, &c., he suffered him to lose the possession, or such other thing through his default; or thus, whereas he ought to have truly spoken for him in such a case, the said Dirling did ill advise him, or speak against him in such a point. And afterwards thus: this treason did the said Dirling feloniously as a felon, and traitorously as a traitor; and if he will deny it, Bardulf is ready to prove it upon him by his body; or as a mayhemed man, or a woman, or a clerk ought to prove."—Chap. ii. sec. 13.

I have quoted the English translation, as more intelligible than the corrupted text of the printed original. I am not aware of any ancient manuscript of the *Mirror*, except the one in the Library of C. C. C. Cambridge (No. 258). As, in consequence of the liberality of the College, this invaluable collection, hitherto wholly inaccessible, will be virtually open to the public, it would perhaps be desirable to give a corrected edition of Horn's work, which is at least a very curious specimen of the apocrypha of the law.

Part II.

motives for the composition of the "Mirror," we are compelled to reject it as evidence concerning the early jurisprudence of Anglo-Saxon England.

OATHS AND COMPURGATION. (XIV. & XV.)

Compurgation
(Part I., pp. 176,
177, 214).

Plaintiff's case
supported by his
"Fore-oath"
(Part I., pp. 153,
154).

Thanes em-
powered to swear
by their Gerefas
or Seneschals.

Oaths taken upon
the sword (Part
I., pp. 175, 182).
The oath of the
Echevins of the
secret tribunals
of Westphalia
was taken in the
same manner
(v. post).

In the body of the work I have given the main outline of this procedure. Some of its details, however, require further illustration. All claims were established in the first stage by the oath of the Plaintiff, except when otherwise specially directed by the law. The oath by which any claim was supported was called the Fore-oath, or "Præjuramentum," and it was the foundation of his suit. One of the cases which did not require this initiatory confirmation was when cattle could be tracked into another man's land, and then the "footmark stood for the fore-oath." But it was the privilege of a Thane, as it was afterwards of a Baron, to appear by his True-man or Gerefa, who took the oath in his stead^a.

Amongst the Teutonic nations, we find a great variety of oaths, devised for the purpose of impressing the conscience of the party; accompanied by strange and singular ceremonies, whose forms indicate the highest antiquity. In the "Lodthing" of Holstein, as amongst the ancient Bavarians, the party swore on the edge or blade of the sword^b. Shakspeare, whether by accident or design, is strictly correct in the adjuration which he puts in the mouth of Hamlet of Denmark. The Alemannic widow appealed to her bosom^c. The pagan Danes swore by the

^a Athelstane ii.; Canute ii. 20.

^b Dreyer, *Miscellaneen*, p. 109.

^c Si autem foemina dixerit, maritus meus dedit mihi *Morgengabam*, computet quantum valet, aut in auro, aut in argento, aut in mancipiis, aut in equo, pecuniam xii. sol. valentem; tunc liceat illi mulieri jurare per *pectus suum*, et dicat, quod maritus meus dedit mihi in potestate et ego possidere debeo. Hoc dicunt Allemanni, *Nastheit*.—Lex. Alem., tit. 56.

[If however a woman say, "My husband gave me a *morning gift*" let the woman estimate its value either in gold or silver or in slaves or in horses to the sum of twelve shillings in money; then may this woman swear by *her own bosom* and say "What my husband gave into my control I also have a right to possess." This the Allemanni (Germans) call "*Nastheit*." (Law of the Alemanni, tit. 56.)]

holy ring^a. Relics, after the introduction of Christianity, were the most usual tests of truth. The "Haligdom" of the Saxon laws may have been the Sacrament of the Altar, or perhaps the Gospel Book. But, possibly, many of the modes of ancient adjuration were combined with the Christian ritual, by a people who in all things adhered with much inveteracy to the customs of their ancestors^b.

Upon the system of compurgation, it may be observed that, in the time of the Conqueror, the oathsmen of the "unfaithful" culprit were named or chosen by both parties. This practice is not indicated in the parallel laws of Canute, and it introduced a material alteration in the trial. It is obvious, from the tenor of the laws, that this nomination was intended as a check upon the party who had to clear himself, but to what extent it operated cannot be ascertained; the complexion of the array depended upon the person who made the choice; and concerning this point the laws are entirely silent, except when a criminal was arraigned for the violation of the King's Peace, in which case the Compurgators were sought out by the Gerefæ^c. Possibly the selection may have been made by the assent of the accuser and of the accused. The joint selection went out of use soon after the Conquest; and such regulations as are afterwards found with respect to compurgation in criminal cases do not distinguish between persons of good or evil fame.

Mode of selecting the Compurgators perhaps altered about the time of the Conquest.

It was one of the liberties of London^d, that no follower of

^a Sax. Chron. ad an. 876.¹

^b Thus in the "Mine-law" Court of the forest of Dean, the parties and witnesses are sworn upon a bible into which a piece of *hollystick* is put, and are obliged to wear the *hooff* (Germ. *Haube*, Dan. *Hutfve*, It. *Scuffia*), or working cap, upon their heads, during their examination. —Rutter's Gloucester, p. 33. According to the Frisic law (XIV.), lots were cast with twigs, and joined to the oath of compurgation. Here also we discern an analogy to the *coel-bren*, the rod of divination of the Britons.

^c Northumbrian Laws, Wilkins, p. 118.

^d De libertate Londoniensium. Sciendum item est, quod homo qui de curia sit Regis vel Baronum, in domo alicujus civis Londoniæ vi, vel liberacione vel consuetudine, nisi gratis hospitis, hospitari non debet. Si enim vim hospitandi ei in domo sua intulerit, ibique ab hospite occisus fuerit, eligat hospes sex de parentibus suis, et juret septimus, quia hac de causa prædicta eum occiderit. Sicque a nece

Part II.

Privilege of the Citizens of London—entitled to kill any of the King's retainers, &c. attempting to obtain "hospitality" by force; in which case the Citizen was allowed to clear himself by the compurgatory oath of his kinsmen (see Part I., pp. 178, 179).

Compurgation retained in the Hundred Court of Winchelsea, temp. Hen. VI.

the King's Court or of any Baron could claim hospitation in the dwelling of a Citizen, without the permission of the owner. An intruder might be slain with impunity. If the Good-man of the house could shew by his own oath, and the oaths of six compurgators, selected by himself from amongst his own kinsmen, that the unwelcome guest was killed in his own wrong, then he, the manslayer, was discharged from all further prosecution, whether at the suit of the King, or of the relations of the deceased party, or of his lord. This custumal, which is not of later date than the reign of Henry II., is the last in which compurgation by kindred is specified. The charters, which secure the right of compurgation to the Burgesses of different Burghs, invariably direct the accused to clear himself by the oaths of his Peers. The last instances of compurgation in criminal cases which can be traced, are the proceedings in the Hundred Court of Winchelsea. These are extremely curious, and afford a clear exposition of the manner in which the Anglo-Saxon proceedings passed into their secondary, or Anglo-Norman form^a.

defuncti versus regem, et parentes, dominosque defuncti quietus remanebit. MS. Harl. 746.¹

[Concerning the privilege of the men of London. It should also be known that a man who is of the court of the King or the Barons has no right, either by livery or custom, to obtain hospitality by force in the house of any citizen of London, unless the host is willing to receive him. For if such a man shall use force to obtain hospitality in the host's house, and he be there killed by the host, let the host choose six of his kinsmen and, with these six kinsmen, himself take an oath that he killed him for the aforesaid reason. And so shall he remain safe from prosecution for the killing of the dead man either at the suit of the King or the kinsmen or lords of the dead man. (Harleian MS. no. 746.)]

Borough of Winchelsea considered as a Hundred (see Part I., pp. 82, 83, 178).

^a 19 Hen. 6.—In hundredo tento die Dominica quinto die mensis *Februarii*, anno regni Regis *Henrici sexti* post conquestum Angliæ decimo nono. Coram *Godardo Poulham* Majore villæ de *Wynchelse*, *Thoma Selton* (tunc deputat' *Willielmi Pope* ballivi dictæ villæ), *Rogero ate Gate*, *Johanne Godefrey*, *Thom' Thundir*, *Willielmo Allard*, *Ricardo Richorn*, *Thom' Wodeward*, *Johanne More*, *Johanne Knyth*.

Felon indicted by Inquest of twelve men.

Johannes Thomas de parochia de *Badynden* in comitatu *Kancie*, Barber, super indictamentum ipsius *Johannis* per inquisitionem captam coram dicto *Godardo* Majore, quinto decimo die mensis *Januarii*, anno regni Regis *Henrici sexti* Angliæ decimo nono, per sacramentum *Roberti Gaudir* et undecim sociorum suorum proborum et

The presentation is made by twelve Jurors, representing the **Part II.**
 Thanes of the earlier era. The culprit is defended by his own (See Part I., pp. 80, 175.)

legalium hominum, de roberiâ et spoliacione ac feloniciâ asportacione certorum bonorum ejusdam *Johannis Peris de Sandwyche* chapman, apud Wynchelse, tricesimo die mensis *Decembris* anno regni Regis *Henrici sexti* Angliæ decimo nono; videlicet de viginti denariis sterlingorum;—unum monile, vocatum *Agnus Dei*, argenteum et deauratum; quinque crucifixi argentei et deaurati,—undecim anulorum argenteorum et deauratorum ac aliorum bonorum in dictâ inquisicione specificatorum, ad valenciam viginti sex solidorum et octo denariorum, arrectatus; dixit quod non fuit nec est culpabilis de feloniciâ sic sibi imposita; et de feloniciâ sic sibi imposita optulit idem *Johannes Thomas* se purgare secundum usum et consuetudinem libertatis villæ prædictæ: * * * et præceptum est dicto ballivo ad habendum corpus ipsius *Johannis* coram Majore et Juratis dictæ villæ in hundredo tento apud *Wynchelse* vicesimo sexto die mensis *Februarii* proximo venturo, ad audiendum et recipiendum quod *Justicia* exegerit et requisiverit. Et dies data est eidem *Johanni Thomas*, videlicet dictam vicesimam sextam diem mensis *Februarii* proximam venturam, ad habendum in dicto hundredo tunc et ibidem tento, coram dictis Majore et Juratis triginta sex probos et legales homines qui secum jurare voluerint et ipsum purgare, quod non est reus de feloniciâ sibi imposita ad periculum suum.—*Bib. Cott. Julius B iv, f. 66.*

Allowed to clear himself by the compurgatory oaths of thirty-six, chosen by himself.

[19 Hen. 6. In the court of the hundred held on Sunday, the 5th day of the month of *February*, in the 19th year of the reign of King *Henry*, the sixth since the conquest of England. Before *Godard Poulham*, mayor of the town of *Winchelsea*, *Thomas Selton* (at that time acting as deputy for *William Pope* the bailiff of the aforesaid town), *Roger ate Gate*, *John Godefrey*, *Thomas Thundir*, *William Allard*, *Richard Richorn*, *Thomas Wodeward*, *John More*, *John Knyth*.

John Thomas of the parish of *Biddenden* in the county of *Kent*, barber, accused upon the indictment of the same *John* by an inquisition taken before the said *Godard* the mayor on the 15th day of the month of *January*, in the 19th year of the reign of King *Henry* the sixth of England, on the oath of *Robert Gaudir* and eleven of his fellows, good and lawful men, concerning the robbery, spoliation and felonious carrying away of certain goods belonging to one *John Peris* of *Sandwich*, chapman, at *Winchelsea* on the 30th day of the month of *December*, in the 19th year of the reign of King *Henry* the sixth of England:—to wit twenty pence sterling; one pendant called the “*Lamb of God*,” of silver gilt, five crucifixes of silver gilt, eleven rings of silver gilt and other goods specified in the aforesaid inquisition, to the value of twenty-six shillings and eight pence, said that he was not, nor is,

Part II.

oath; and if thirty-six neighbours, chosen by himself, concur in declaring him not guilty he is absolved for ever of the charge.

guilty of the felony so laid to his charge; and this same *John Thomas* offered to purge himself of the felony laid to his charge according to the use and custom of the franchise of the aforesaid township: . . . and the aforesaid bailiff was ordered to bring the body of this *John* before the mayor and jurats of the aforesaid town at the courts of the hundred held at *Winchelsea* on the 26th day of the month of *February* next, to hear and to receive what justice should demand and require. And a day was given for this same *John Thomas*, to wit the 26th day of the month of *February* then next, to bring to the court of the aforesaid hundred to be held then and there before the mayor and jurats, thirty-six good and lawful men, who would be willing to swear with him and to purge him and declare him not guilty of the felony, imputed to him at his peril. (Cotton MS. Julius B iv, f. 66.)]

13 Hen. 6.—In hundredo tento die Dominica vicesimo quarto die mensis *Aprilis*, anno regni Regis Henrici sexti Angliæ tertio decimo, quædam *Agnes Archer*, quæ indictata fuit per duodecim probos et legales homines, juratos coram *Willielmo Fynche* Majore et Coronatore pro Rege infra libertatem villæ prædictæ ad inquirendum per sacramenta sua, quomodo *Alicia Colynbourgh*, quæ inventa fuit mortua infra dictam libertatem, ad mortem suam veniebat, et quis causa ejus mortis fuit; adducta fuit in pleno hundredo per servientes ballivi, modo felonico, nuda capite et pedibus, discincta, et manibus deligatis, tendens manum suam dexteram altam, per communem clericum arreinata fuit in his verbis:

[13 Hen. 6.—In the court of the hundred held on Sunday the 24th day of the month of *April*, in the 13th year of the reign of King Henry the sixth of England, one *Agnes Archer* was indicted by twelve good and lawful men who had taken their oath before *William Fynche* the mayor and King's coroner within the franchise of the aforesaid town, to enquire upon their oaths how *Alice Colynbourgh*, who had been found dead within the aforesaid franchise, met her death and who was the cause of her death. She was brought into the full hundred by the bailiff's serjeants in the manner of a felon, with her head and feet bare, disgirt and with her hands bound, and holding her right hand aloft she was arraigned by the common clerk in these words:—]

Arraignment.

"*Agnes Archer*, is that thy name? whych answered—Yes.—*Agnes Archer*, thou arte endyted that thou the seventh daye of Apryll, the yer of Kyng *Herry* the sexte of England thirteenth, felonly robberydest
"one *Alis Colynbourgh* of six sponys of sylver, pris of twelve shillings
"sterlyng, of a gyrdylle harnesssed with sylver, pris six shillings and

The oath by which the Principal waged his law in an action of debt, is given in the customs appended to Athelstane's Statute. "I owe neither scott nor shilling, penny, nor penny's worth; all that I contracted to do, have I performed"; and which in substance has been retained by the Courts to the present day.

Compurgatory oath in civil cases.
See Blackstone, iii. 343.

In those proceedings, which were analogous to our actions of detinue, being brought for the recovery of a specific chattel, the compurgation was united to the voucher given by the warrantor, and the "cyre-ath" was possibly the "wager of law" in such a proceeding.

In the records of the King's Court, the wager of law appears to have been usually by twelve^a; and I have not yet found any

Wager of Law (Part I., p. 214), from the reign of John.

"eight pence, and of five shillings sylvyr thanne beyng in the same *Alis* purse, at the Strande called the Trecherye, within the frauncheyse of the town of *Wynchelsea*. Also thou art endyted that thou, the same day, yeer, and place, the said *Alys* felonly morderiste hyr with 'a knyff fyve tymes in the throte stekyng, throwe the wheche stekyng the saide *Alys* is deed. What sayste thou thereto?—Whych sayde and answered, I am not guilty of thoo dedys, ne noon of hem, God help me so. Clericus. Howe wylte thou acquite the?—Wheche answered—By God and by my neighbours of this town."

Extunc recitatum fuit ei, quod si vellet se ipsam acquietare per patriam, quomodo ipsa deberet se acquietare per triginta sex homines quos ipsa elegeret de quibuscumque patriis vellet, et quod sibi detur dies ad habendum dictos triginta sex homines, se acquietanda, * * * * * et prædicta Agnes rogavit et requisivit Judicem, videlicet Majorem et Consules suos juratos, ut suam acquietanciam poterit habere de hominibus infra libertatem villæ de *Winchelse*, quæ petitio dictæ Agnetæ concessa fuit.—Bib. Cott. Julius B iv, f. 57.

[Then it was declared to her that if she wished to acquit herself by the country how she must acquit herself by thirty-six men whom she herself could choose from whatsoever part she would and that a day would be appointed for her to bring the said thirty-six men to acquit her...and the aforesaid Agnes asked and demanded of the court, to wit the Mayor and his sworn counsellors, that she might acquit herself by men within the franchise of the town of *Winchelsea*. And this request was granted to the aforesaid Agnes. (Cotton MS. Julius B iv, f. 57.)]

These entries are drawn up with more than ordinary barbarity.

^a *Lambertus Molendinarius* queritur quod *Claricia*, uxor *Laurencii* fil' *Walteri*, vendidit ei cervisiam, per falsam gallonam, et inde producit sectam; quæ testatur quod ipsa [secta] interfuit, ubi ipsa *Claricia* ita vendidit per illam gallonam, scilicet ad denarium tres gallonas. Et

Part II.

instance in which the practice noticed by Fleta, of doubling the compurgators against the witnesses, has prevailed. The presumptive evidence of the *Secta* was required, before the defendant was driven to wage his law. But if the suit was brought by the King, then it seems that the person accused or impleaded had not this safeguard against a vexatious prosecution. To remedy this abuse, the thirty-fourth chapter of *Magna Charta* was enacted; but in more modern times, it does not appear that any such testimony was required^a.

WARRANTY. (XXI.)

Warranty—
explanations
afforded by the
Danish law.

According to the Danish and Norwegian Law, the “Hjemmelsmand,” the “Hemoldborh” of this law, and the “fidejussor”

Claricia venit et defendit quod non vendidit per illam gallonam quam ipse dicit esse falsam, ut per gallonam integram, sed ut per dimidiam gallonam. Defendat se duodecima manu in adventu Justiciariorum. It. Bedeford. 4 Joh.

[*Lambert the miller* complains that *Claricia*, the wife of *Laurence* son of *Walter*, sold him beer by a false gallon measure and produced suit thereof, which witnessed that they were present when *Claricia* herself sold the beer in that gallon measure, to wit at the rate of three gallons a penny. And *Claricia* came and in defence said that she did not sell the beer by means of that gallon measure which the plaintiff declared to be false, as a full gallon measure; but only she sold it by that gallon as a half gallon measure. Let her defend herself twelve-handed when the Justices come. (*Eyre, Bedford. 4 Joh.*)]

Selden quotes a similar instance of “law” by twelve.—Hengham *Magna*, p. 15.

^a Nullus Ballivus de cætero ponat aliquem ad legem manifestam, nec ad juramentum, simplici loquela sua, sine testibus fidelibus ad hoc inductis.¹

[Let no bailiff henceforth put any man to his law openly nor to the oath on his mere accusation without faithful witnesses brought forward for this purpose. (*Magna Charta*, cap. 34.)]

In the Customs of Manchester, as confirmed by Thomas de Gresley, Lord of the Town, 29 Ed. I. (*Aikin's Manchester*, p. 585), is the following article:—“Item nullus potest vicinum suum ducere ad sacramentum, nisi habeat sectam” [Again no one can cause his neighbour to take the oath unless he has suit];—which seems to shew that the abusive custom of commencing actions without a “secta” of witnesses already began to prevail, and that a protection from such claims was considered as a special franchise.

^b Baden, *Juridisk Leksikon*, p. 121.

of an analogous chapter in William's Statutory Charter^a, is the guarantee, the person bound to restore the property which he has sold, if the purchaser should be lawfully evicted. The "warrantum," therefore, was probably equivalent to the Team of the Anglo-Saxon law, i.e. the evidence of the birth and rearing of the Chattel; a fact which might also be proved by "three parts" of his neighbourhood, perhaps by three adjoining townships. If such proofs could not be produced, then the witnesses were to come forward, and the compurgatory oath, the "simplex juramentum," was to be added to their testimony; yet this only discharged the defendant from the "*were*" due to his Lord, and the property itself was to be restored to the claimant.

Part II.
(See Part I.,
p. 154.)

FRANKPLEDGE. (XX., XXII.—XXV.)

It is provided by the Law of Canute, "That every freeman "who will entitle himself to the privilege of compurgation and "the protection of the *were*^b, shall be included in the hundred

Canute's Law of
Freeborn (see
Part I., p. 160).

^a Interdicimus autem ut nulla viva pecunia vendatur aut ematur nisi intra civitates, et hoc ante tres fideles testes, nec aliqua res vendita sine fidejussore et warranto; quod si quis aliter fecerit, solvat, et persolvat, et postea forisfacturam. Wilkins, p. 218.

[Moreover we forbid any living chattel to be sold or bought except within cities and this before three faithful witnesses; nor shall any thing be sold without a surety and a warranty; but if anyone acts otherwise, let him pay and pay again and afterwards let him pay his forfeiture.]

That is to say, he was to pay the value to the plaintiff, the *were* to his Lord, and the *wite* to the Sovereign.

^b And we wyllath, thæt ælc freoman beo on hundrede and on teothunge gebroht, the lade wyrthe beon wyлле, oththe weres wyrthe, gyf hine hwa teon wyлле, ofer that he byth twelf wintre, oththe thæt he ne beo æniges freorihthes wyrthe, si he heorthfæst, si he folgere, thæt ælc si on hundrede and on *borge* gebroht, and gehealde se borh hine, and gelæde to ælcan rihte. Canute, ii. 20. Wilkins, p. 196.

[And it is our will that every freeman be placed in a hundred and a tithing, whosoever wishes to be entitled to clear himself, or to have a price (*wergild*), in case anyone proceeds to accuse him after he is twelve years old; otherwise (i.e. if not in a tithing), let him be thereafter no longer entitled to the rights of a freeman, be he householder or follower of another man. And that every man be brought in a hundred and under security, and let his surety protect him, and lead him to every right. (Canute's Secular Code, cap. 20.)]

Part II.

“and in the tithing, to meet any accusation which may be preferred against him, as soon as he attains the age of twelve years, whether he be householder or Follower, so that every one may be in the Hundred, and under Pledge or Borh; and let the Pledge keep him and hold him to right, or produce him according to law.”

If there is any collective liability *directed* by this law, it arises by implication; for the “borh” or pledge applies only to the “Folgher,” the inmate or retainer, and thus it is clearly expounded by William’s Law. There were territorial divisions termed Tithings, in the reign of Athelstane; and as they existed, and still do exist, more definitely as territorial districts, in the western counties, than in any other part of England, it may perhaps be supposed that they originated from the ancient Trefs of the British Cantred. Such divisions, however, are clearly to be distinguished from the personal arrays^a. A further approach

^a The marked distinction between the personal and real Frankpledge will be understood by the following examples. In the first, the Frankpledge is always described with reference to the Chief Pledge; it is the array of the *people*, not the designation of the *territory* :—

Thomas Shiel occidit Walterum Carrectarium de Slale, et fugit, et fuit in franco plegio Ernaldi fil’ Michael’, in Slolegh, et idem in misericordia, et ipse malecreditur, et ideo exigatur et utlagetur.—Rot. Itin. Warrewic. 16 Hen. III.

[*Thomas Shiel killed Walter the Carter of Slale and made his escape; and he was in the frankpledge of Ernald son of Michael in Sloley, and Ernald is in mercy; and Thomas is suspected; therefore let him be exacted¹ and outlawed. (Eyre Rolls, Warwick. 16 Hen. III.)*]

Radulphus pistor Ricardi Roff’ Episcopi, occidit Gregorium fil. Radulphi et fugit, &c. Et Robertus le Potter primus inventor non venit, et attachiatus fuit per Stephanum le Tannour le Borgesaldre cum Borge sua, et non habuerunt eum, et ideo in misericordia.—Rot. Itin. Kanc. 11 Hen. III.

[*Ralph, Baker of Richard bishop of Rochester, killed Gregory, son of Ralph, and made his escape, &c. And Robert the Potter the first finder did not come and was attached by Stephen the Tanner the Chief Pledge with his Borh, and they did not produce him and therefore they are in mercy. (Eyre Rolls, Kent. 11 Henry III.)*]

But where the real Frankpledge prevailed, then the words Tithing and Township are used as synonymous terms; and the frankpledge is always connected with the district, and never with the person of the Chief Pledge; it is the description of the *territory*, not of the *people*.

may have been made to this system, if the neighbours, from **Part II.** whom the compurgators were selected, were told off in bodies of ten men, according to the later law^a. But there is no proof of their collective responsibility.

*Radulphus Badnel et Adam de Bolonia verberaverunt Willielmum de Cumpton, de die, ita quod prædictus Willilemus infra quindecim dies post obiit. Et Radulphus statim fugit et malecreditur * * * * ** et fuit in *Thedinga* de *Herticumbe*, et ideo in misericordia. Et prædictus *Adam* nulla habuit catalla, et fuit in prædicta *Thedinga*. Et *Villa* de *Herticumbe* non cepit prædictos *Robertum* et *Ada*, ideo in misericordia. —Rot. Itin. Devon. 23 Hen. III.

[*Ralph Badnel* and *Adam of Bolonia* beat *William of Cumpton* in the daytime, so that the aforesaid *William* died within fifteen days after. And *Ralph* immediately fled and is suspected...and he was in the *Tithing* of *Hacombe* (?) and therefore it is in mercy. And the aforesaid *Adam* had no chattels and was in the aforesaid *Tithing*. And the *Township* of *Hacombe* did not take the aforesaid [*Ralph*] and *Adam*, and therefore it is in mercy. (Eyre Rolls, Devon. 23 Hen. III.)]

^a The original text of a law of Athelstane¹, which might have thrown more light upon this question, is lost. We have its substance in two distinct versions, the one, given by Brompton (p. 847), and found in many manuscripts, the Spelman MS. for instance, and MS. Cott Claudius D ii.—the other, only in the Holkham Manuscript, and from which the following extracts are made, retaining all the barbarisms of the original, whereby, to use the expression of a friend, it is rendered almost as unintelligible to a classical scholar, as if written in Cingalese:—*Hæc est consiliatio, quomodo centenarii conventus observari debet. Primum quidem, quod semper circa quatuor septimanas congregetur, et quisque alii rectum faciat...Diximus etiam de ignoto pecore ne quis illud habeat, absque testimonio concionatoris vel decimationarii, et hic sit fidelissimus.*

If this be compared with Brompton's version, we may judge of the difficulty which the ancient translators found in understanding the Anglo-Saxon Statute;—*Hoc est iudicium qualiter hundredum teneri debeat. In primis ut convenient semper ad quatuor Abb'as [hebdomadadas?], et faciat omnis homo rectum alii. Si necesse sit in manibus, indicetur hominibus hundredi, et ipsi postea denunciant hominibus decimarum, et eant omnes pariter, quo Deus annuerit.*

(See Part I.,
p. 155.)

[This is the decree as to how the hundred ought to be held. First of all that they should assemble every four weeks and every man should do right to every other. If the need is urgent let it be made known to the men of the hundred and they shall

Part II.

Bye-law of the Witenagemot of Kent, for the purpose of enforcing the general statute of Athelstane (p. 159).

In the very singular law or bye-law enacted by the men of Kent pursuant to the general statute of Athelstane, a regulation somewhat analogous to the Frankpledge is prescribed; not as a universal regulation, but as an expedient to diminish the responsibility of the superior. According to common right, the Lord was to be the pledge that none of his men would commit theft. If his ceorls were so numerous that he could not reasonably undertake the charge, then he was to appoint a Reeve in each township who would be answerable to him, and would take upon himself to rely upon the good conduct of the ceorls; but if the Præpositus found any ceorl whom he could not trust, then, and in that case, the suspected party was to find twelve of his kinsmen who would be the pledges for his good abearing^a.

afterwards announce it to the men of the tithings and let them all go together to the place which God hath granted.]

Perhaps there were two republications of the same law.

^a Karissime, episcopi tui de Kantia et omnis Kentescire, Thayni, Comites, et villani tibi, Domino dilectissimo suo, gratias agunt, quod nobis de pace nostra præcipere voluisti, et de commodo nostro querere et consulere, quia magnum opus est inde nobis, divitibus et egenis. Et hoc incepimus quanta diligentia potuimus, consilio sapientum eorum, quos ad nos misisti; unde, charissime Domine, primum est de nostra decima, ad quam valde cupidi sumus et voluntarii, et tibi supplices gratias agimus admonitionis tuæ. Secundum est, de pace nostra, quam omnis populus teneri desiderat, sicut apud Greateleyam sapientes tui posuerunt, et sicut etiam nunc dictum est in consilio apud Fefresham. Tertium est, quod gratiant omnes misericorditer Karissimum dominum suum de dono quod forisfactis hominibus concessisti, hoc est quod pardonatur omnibus forisfactura de quocunque furto quod ante consilium de Fefresham factum fuit, eo tenore, quo semper deinceps ab omni malo quiescant, et omne latrocinium confiteantur, et emendent hinc ad Augustum. Quartum, ne aliquis recipiat hominem alterius, sine licentia ipsius, cui prius folgavit, nec intra mercam nec extra. * * * * Septimum est, ut omnis homo teneat homines suos in fidejussione sua contra omne furtum. Si tunc sit aliquis qui tot homines habeat quod non sufficiat omnes custodire, præpositum talem præponat sibi singulis villis qui credibilis ei sit, et qui concredat hominibus. Et si præpositus alicui eorum hominum concredere non audeat, inveniatur xij. plegios cognationis suæ qui ei stent in fidejussione. Et si dominus vel præpositus vel aliquis hoc infringat vel abhinc exeat, sit dignus eorum quæ apud Greateleyam dicta sunt, nisi Regi magis placeat alia justitia.—Spelman MS.¹

In Kent, therefore, the collective pledge was not the general law, but an exception to the general law; and the special "borh" of the kinsmen was superadded to the general responsibility of the Mægth or Clan. Though not the Freeborh itself, this arrangement probably constituted an important step towards its general adoption. And we discover traces of a similar practice at a much later period, when the offender was let out upon the "borh" or suretyship of his "decenna^a."

[Beloved Lord, your Bishops of Kent and all the shire of Kent, its landholders, gentle and simple, do render thanks to you, their most beloved Lord, that you have been pleased to issue a precept to us concerning our peace and to ask and consult concerning our welfare, because great is our need therefor, both rich and poor. And this matter we took in hand with all the diligence in our power, acting on the advice of those wise men whom you did send to us. Whereof the first point, most beloved Lord, concerns our tithing, for which we are most desirous and eager, and we do humbly render you thanks for your admonition. The second point concerns our peace, which all the folk desire should be kept, just as your wise men have determined at Greatley and just as it has even now been laid down in the council at Faversham. The third point is that all men do thank their most beloved Lord for the gift which you have mercifully granted to men who have incurred forfeiture, and this is that all men should be pardoned of their forfeiture for any theft which has been committed previous to the council of Faversham, on the terms that they should hereafter abstain from all evil, and that they should confess every theft committed and make amends therefor by August. The fourth point is that no man receive the man of another, without the permission of him whose dependant he was, neither within nor without the bounds of the province....The seventh point is that every man is to be surety for his own men against all theft. If accordingly there be anyone who has so many men that he cannot take charge of them all, let him place over each township a reeve trusted by his master and having trust in his men. And if the reeve does not dare to trust any of these men, let that man find twelve pledges from among his kinsmen to stand as a surety for him. And if the Lord or the reeve or anyone else break this rule or hereafter depart from it, let him be deserving of all those penalties which were declared at Greatley, unless the King should prefer any other form of justice.]

^a *Willielmus Gom de Pakelesham rectatus de latrocinio. Ita quod idem Willielmus aretatus fuit pro eodem latrocinio, et commissus fuit*

Part II.

At some period towards the close of the Anglo-Saxon monarchy, the Freepledge was certainly established in the greater part of Wessex and Mercia, though even there some special exemptions existed^a. The system was developed between the per plegios, scilicet franco plegio suo, *Gerardo Nolle de Pakelesham cum tota decenna sua*, habendo coram Justiciariis, et non habuerunt, ideo in misericordiâ. Et Juratores dicunt quod malecredunt eum, ideo exigatur et utlagetur.—Plac. de Hund. de Rocheford. 19 Hen. III. Essex, m. 10.

[*William Gom of Paglesham* was accused of theft. So that the same *William* was arrested for this same theft and was bailed by pledges, to wit his own frankpledge, *Gerard Nolle of Paglesham* with the whole of his tithing to be brought before the Justice, and they did not bring him and therefore they are in mercy. And the jurors declare that they suspect him. Therefore let him be exacted and outlawed. (Pleas of the Hundred of Rochford. 19 Henry III. Essex, tenth membrane.)]

^a The County of Salop was thus exempted, as appears from the Rolls of Proceedings before the Justices Itinerant:—Totus Comitatus recordatur quod nullum murdrum est in comitatu isto, nec Englescheria presentatur nec aliquis est in decenna.—Rot. It. Salop. 40 Hen. III.

[The whole County records that there is no “murder” (i.e. murder fine) in their county nor is Englishry presented, nor is anyone in tithing. (Eyre Rolls, Shropshire. 40 Hen. III.)]

The City of Worcester, in like manner—*Villa Wigorn, Osbertus Kide occidit Alvricum le Bere* in domo *Johannis de Bisele*, et fugit in ecclesiam et abjuravit Regnum, et non fuit in franco plegio, quia nullum francum plegium est in civitate nec warda quæ debuerat respondere de hujusmodi. And a further entry is added, “nullum habetur murdrum infra villam.”—Rot. It. Wigorn. 5 Hen. III.

[The town of Worcester—*Osbert Kide* killed *Aluric le Bere* in the house of *John of Bisley* and fled to the church and abjured the realm and he was not in frankpledge because there is no frankpledge in this city nor ward which ought to answer for such matters. There is no murder-fine within the vill. (Eyre Rolls, Worcester. 5 Hen. III.)]

Bristol, nearly in the same words:—*Jordanus Crokarius occidit Thomam Textorem*, &c. et fuit manens in Bristollia, sed Juratores dicunt quod nullum est ibi francum plegium nec warda, quæ debuerat respondere de fugitivis.—Rot. It. Glouc. 5 Hen. III.

[*Jordan Croker* killed *Thomas, the Weaver*, &c., and he was dwelling in Bristol. But the Jurors say that there is in that place

Many parts of England exempted from the Freepledge (see Part I., p. 166). e

accession of Canute and the demise of the Conqueror;—and it is not improbable but that the Normans completed what the Danes had begun. The latter lived in a state of great insecurity; and a law enforcing the mutual liability of their discontented peasantry would assist in ensuring the safety of the Lord, just as the “murdrum” was a security for the life of the Danish traveller. And the northern counties, in which the Danes had wholly amalgamated with the English population, were exempted both from the frankpledge and from the murder-fine, because the union of the races had effaced their ancient discord.

That such a police would be improved, extended, and enforced by the Normans, may be readily conceived, and the confederation of the people in the “Leet” of the Hundred, which, like other ancient popular assemblies, was both a weaponslaw and a court of justice, would afford a most convenient opportunity for requiring the general oath of allegiance, and for calling over the names of the bands of the villeinage, arrayed for the watch and ward of the district, and upon whom the mutual liability was imposed. No direct proof can be afforded of this hypothesis; but a strong reason for believing that it approaches to the truth, is found in the comparative unimportance of the Frankpledge

Collective Frank-pledge probably enforced by the Conqueror (Part I., pp. 165, 166).

(Part I., p. 164.)

no frank-pledge nor ward which ought to answer for fugitives. (Eyre Rolls, Gloucestershire. 5 Hen. III.)]

That the whole of England, north of Trent, was exempted from the frankpledge, is proved by the following important presentment:—*Comitatus recordatur quod nulla Englescheria presentatur in Comitatu isto, nec murdrum, nec est aliqua decenna nec visus francplegii nec manupastus in Comitatu isto, nec unquam fuit in partibus borealibus citra Trentam.*—Rot. It. Westmorland. 20 Ed. I.

(Part I., p. 166.)

[The County records that no Englishry is presented in this county nor “murder” nor is there any tithing nor view of frankpledge nor mainpast in this county nor was there ever such in the northern parts on this side of the Trent. (Eyre Rolls, Westmorland. 20 Ed. I.)]

If some doubt is thrown upon this presentment by a passage (probably interpolated) in the so-called Laws of the Confessor, it is entirely confirmed by the circumstance, that in the *Placita de Quo Warranto*, no claims of view of Frankpledge can be found in the northern counties; nor have I yet discovered any appearance of the frankpledge upon the Rolls of the Iters of the Northern Counties. It is impossible to speak positively to a negative proposition; and in the vast mass of these most valuable records, all of which are still un-indexed, some entry relating to the Collective Frankpledge may be concealed. Yet, from their general tenor, I doubt whether any will be discovered.

Part II.

anterior to the Conquest, and in the great weight attached to the institution in the period subsequent to that era.

The "view of frankpledge," as held by Lords of Townships, distinct and severed from the tourn of the Hundred, was still more recent. It was a principle of law, that this franchise could only be deduced from an "antecessor" who had come in with the Norman Conqueror^a. But, however established, the collective frankpledge had no necessary connexion with the numerical organization of the Hundred. The bands might be composed of ten, of seventy, or of eighty persons; but ten was the smallest number admitted; and it is probable that the fine was only imposed when the number fell below this complement. Hence ten came to be considered as the established number. Yet in the reign of Edward II. the men were told off in "dozeins," at least in the counties to which the author of *Fleta* refers^b.

^a Nec est juri consonum quod aliquis Magnatus attrahat tenentes suos quin pro pace conservanda bis veniant ad turnum Vicecomitis per annum, maxime illi quorum antecessores ad conquestum non venerunt. —*Placita de Quo Warranto*. Rutland, 14 Ed. I. p. 671.

[It is not in keeping with the Law that any magnate should withdraw his tenants from coming twice a year to the Sheriffs' Turn, to keep the peace, especially those magnates whose ancestors did not come to England at the Conquest. (*Pleas of Quo Warranto*, &c.)]

This is the rejoinder of the Attorney-General. The defendant, without producing a charter, had pleaded the enjoyment of the view of frankpledge from time whereof, &c.

^b This fact, no where alluded to in any of our law books, appears most clearly from the fragments of Anglo-Saxon customary laws, preserved in the *Holkham Manuscript*. It is curious to observe, that the name of "Decimatio" was applied to any number of which the collective Free Borgh was composed:—

"Decimatio continet decem, septuaginta, vel octoginta homines, secundum loci consuetudinem. Qui omnes debent esse fidejussores singulorum, ita ut si quis de illis calumpniam patitur, cæteri illum producant ad justitiam; et si negat, purgationem legalem debet habere: ex sua propria decimatione secum juraturos assumet. Decimatio autem est que alicubi dicitur vulgo, *Warda*, id est, observatio, scilicet, sub una societate urbem vel centenariam debet servare. Alicubi dicitur, *Borch*, id est, fidejussor, propter superius dictam causam, scilicet fidejussionem communem; alicubi vero decimatio, quia decem ad minus debent inesse."¹

[A tithing consists of ten, seventy or eighty men, according to the local custom. And all of these are to be sureties each for the other,

Collective
Frankpledge not
invariably com-
posed of the
same number
(see Part I.,
pp. 161, 162).

To understand the subject thoroughly, would require diligent search amongst the records of local jurisdictions; and it is possible that evidence may be concealed which would sanction conclusions different from those which I have formed; but, as yet, no authorities have occurred to me shewing any connexion between the collective frankpledge and any political right or privilege, except so far as, in very modern times, the insertion of the name of an individual in the roll of the Leet became *evidence* of resiancy. The jurisdiction of the Hundred Court, and the Frankpledge held in the Hundred Court, are institutions entirely distinct from each other. The Frankpledge was a restriction imposed upon those classes who, from their situation, were originally considered as liable to suspicion and distrust. It was a system merely calculated to keep the people in subjection, and not inadequately contrived to answer that purpose^a.

Frankpledge not connected with any political right or privilege —(Part I., pp. 157, 158).

Part II.

so that if any one of them is under accusation, the others may bring him to justice, and if he denies the charge, he is entitled to lawful purgation: he will procure for himself compurgators out of his own tithing. Moreover a tithing is in some places called a *Ward*, that is to say “a guarding,” to wit, that its duty is to guard a city or a hundred under one society. In other places it is called *Borch*, that is “a surety,” for the reason mentioned above, namely, the mutual suretyship; in other places however it is called a tithing, because it should at the least consist of ten men.]

Fleta speaks only of *dozeins*. His description of the view of frankpledge exhibits the array, as it was organized in the later periods of the law:—“Soit enquis, si toutz les chiefs plegges soient venus a la veue, et si ils eyent lours dozeynes entieres...de ceux de douze auns que sount enfuyz hors pris clerks, et chevalers, et lour enfaunz, et femmes que ne sount mie en dozeyne ***** Et soient les chiefs plegges amerciés qui ne averont mie leur dozeynes entieres illouques en present, si ilz ne peussent estre escusez, par la mort de ascun, ou de plusors.”—Chap. 29.

[Let inquiry be made whether all the headboroughs have come to the view and whether they have their tithings (*lit.* dozens) complete... concerning those of twelve years old and upwards (*read* *ensus*)—except clerks, knights and their children and wives—who are not in a tithing....And let the headboroughs, who have not at that moment their tithings complete, be fined, unless they may be excused by the death of some one or more.]

^a It must also be recollected that though the Leet and the view of frankpledge are usually conjoined, yet that the Leet is the Court, and the view of frankpledge an arrangement *superinduced* upon the Court.

Part II.

THEFT, FRESH SUIT, &C. (IV.—XIV.)

Theft—general obligation of pursuing the offender with hue and cry (Part I., p. 172).

It was the duty of all persons to join in the pursuit of the offender. "If any one meet a thief, and willingly allow him to escape without hue and cry, let him make compensation, according to the amount of the Thief's 'Were,' or shew by full compurgation that he has not connived at the thief's escape; and if any one, hearing the hue and cry, refuse to join therein, let him forfeit for his contempt to the King, or clear himself by full compurgation^a." All persons were thus bound to assist in the apprehension of the criminal; but in some cases the right of inflicting summary punishment belonged to the injured individual; and the law of William (cap. iv.) directs that the person who followed and executed the Thief, without the "suit" of the party damnified, should forfeit ten shillings for "heng wite," rather as a compensation to the party out of whose hands the halter had been taken, than as any atonement for the irregularity. But it is evident that this law only applies to a particular case, and the general course of the law shews that the co-operation of the parties damnified was not necessary to legalize the chase of the felon.

A grant made by Ethelred contains a narrative affording a curious exemplification of such proceedings^b. Three brothers

^a Canute, ii. 26. See also Ina, 36.

^b Quicquid perpetualiter permanens a secularibus agitur, seris litterarum firmiter muniri debetur, quia hominum fragilis memoria moriendo obliviscitur, quod scriptura litterarum servando retinet. Unde ego *Æthelred*, gratia Dei *Anglorum* Rex, cunctis meis volo notum adesse fidelibus, quod ego jure hæreditario cuidam meo militi, nomine *Æthelwig*, quinque trado mansos in villa quæ a notis vocatur *Eardulfes lea*, ut, vitâ comite, eos possideat, et postquam dies extremus ejus clauserit oculos, cuicumque amico voluerit in perpetuam derelinquat possessionem. Sit autem præsens donatio absoluta ab omni servili jugo; tribus tamen rebus exceptis, populari scilicet expeditione, arcis constructione, et pontis restauratione. Qualiter vero præsens terra in mea advenerit manu, brevi volo enucleare sermone. Tres fratres in quodam residentes convivio, quorum unus homo, nomine *Leofric*, instigante diabolo, furatus est frenum. Quo invento in ejusdem sinu, concito cursu qui frenum perdiderunt, et tres fratres prædicti furis domini, concito cursu bellum in invicem insurgentes inierunt; duobus vero fratribus in bello peremptis, *Ælfnoth* sed et *Ælfric*, vix tertius *Æthelwine* cum prædicto latrone evasit, Sanctæ Helenæ intrans

In certain cases, no pursuit could legally justify the infliction of capital punishment, unless the party injured concurred in the "suit."

Charter of Ethelred, containing a narrative curiously illustrating the principles of Anglo-Saxon jurisprudence.

are drinking at a feast or guild. Leofric, their *man* or vassal, **Part II.** has stolen a bridle, probably an article of value, and adorned with gems or gold. It is found in his bosom. Those who have

ecclesiam.¹ Circummanentibus vero hæc eadem audientibus, *Æthelwig* meus præpositus in *Bucingaham*, et *Winsige* præpositus on *Oxonaforda*, inter christianos prædictos sepelierunt fratres. *Leofsige* igitur Dux, audito hoc verbo, meam adiit præsentiam, præfatos incusans præpositos, peremptis fratribus non recte inter christianos sepultis. Ego autem nolens contristrari *Æthelwig*, quia mihi erat carus et preciosus, una simul et sepultos cum christianis requiescere permisi et prædictam terram eidem in hæreditatem concessi perpetuam. * * * * * Hoc autem præcipiens præcipio, ut nulla aliorum librorum scedula nostro libello præcelli videatur, set in perpetuum delitescat et aboleatur.

[Here follows a description of the "five hides of land at Eardulfes Lea, by metes and bounds."]

Scripta est hæc scedula anno ab incarnatione Domini *dccccxcv*. indictione xiii. his testibus consentientibus, quorum inferius nomina caraxantur.

Ego *Æthelred* Rex, Anglorum Basileus, hujus doni libertatem, totius regni fastigium tenens, libenter concedo vel largior et consentio vel hilariter confirmo.

Ego *Siric* [*Dorobernensis* ecclesiæ præsul confirmavi.]

Ego *Ælfstanus* *Lundoniensis* ecclesiæ præsul corroboravi.

Ego *Ælfhegus* *Wintoniensis* ecclesiæ præsul confirmavi.

Ego *Æscunig* *Dorccensis* ecclesiæ præsul dictavi.

Ego *Ælfric* *Wiltoniensis* ecclesiæ præsul consolidavi.

Ego *Ealdu*[*l*]f *Wigoracensis* ecclesiæ præsul adquevi.

Ego *Osbyrht* *Australium* ecclesiæ præsul subplevi.

Ego *Ælfheagus* *Licetfeldensis* ecclesiæ præsul gaudenter consensi.

Ego *Athulf* *Herefordensis* ecclesiæ præsul adjuvavi.

Ego *Ælfuold* *Crydiensis* ecclesiæ præsul sustentavi.

Ego *Uulfsige* *Scyreburnensis* ecclesiæ præsul lætus desiderio donavi.

Ego *Æthelwærd* dux exultanter munio vel affirmo, præsens testis adsto.

Ego *Ælfric* dux signum crucis imprimo vel sustento.

Ego *Ælfhe*[*l*]m, dux—Ego *Leofuune*, dux—Ego *Leofsige*, dux—Ego *Ælfuueard*, abbas—Ego *Ælfsige*, abbas—Ego *Brihtnoth*, abbas—Ego *Brihtelm*, abbas—Ego *Leofric*, abbas—Ego *Ælvere*, abbas—Ego *Ceanulf*, abbas—Ego *Ælfric*, abbas—Ego *Ælfhun*, abbas—Ego *Germanus*, abbas—Ego *Ælfsige*, minister—Ego *Ordulf*, minister—Ego *Leofric*, minister—Ego *Uulfheah*, minister—Ego *Uulfric*, minister—Ego *Uulfget*, minister—Ego *Æthelnoth*, minister—Ego *Æthelric*, minister—Ego *Æthelsige*, minister—Ego *Æthelmær*, minister—Ego

Part II.

The Lords, Superiors, or "Seniors" of the thief attempt to defend him; two are slain; the third and the offender take refuge in a sanctuary.

been robbed, pursue him, and are opposed by the Lords of the Thief. A fray arises; Alfnod and Alfric, two of them, are killed in the conflict; Athelwine, the third, takes refuge in a sanctuary, together with the thief; Athelwy of Buckingham, and Winsige Ceolmund, minister—Ego Uuihtsige, minister—Ego Ætheluuig, minister.—Bib. Cott. Claudius B vi, f. 97.¹

[Whatsoever is done by men that is intended to continue for all time to come, should be securely bolted and barred by writing, because the frail memory of mankind forgets in dying what the written word remembers and preserves. Wherefore I, *Æthelred*, by the grace of God King of the *English*, wish it to be known to all my faithful subjects, that I hereby deliver to a certain Knight of mine, by name *Æthelwig*, to be held by him in hereditary right, five manses in the manor which is called *Eardulf's Lea*, that he may possess them during his lifetime, and when his last day closes his eyes, he may bequeath them in perpetuity to whatsoever friend he will. Moreover let this present gift be quit of all burden of service, with these three exceptions, to wit: expeditions of the host, the building of fortresses and the repairing of bridges. How this same land came into my hands, I wish to make known in a brief statement. Three brothers were present at a certain feast and a man of theirs, by name *Leofric*, prompted by the devil stole a bridle. Now when this article was found in his bosom, those who had lost the bridle made a headlong rush and the three brothers, the masters of the aforesaid thief, starting up with a like haste began fighting. In this fight two of the brothers were killed, to wit *Ælfnoth* and *Ælfric*, and the third, *Æthelwine*, succeeded with great difficulty in making his escape with the aforesaid thief and entered the Church of Saint Helen. When the inhabitants of those parts heard of these happenings, *Æthelwig*, my reeve in *Buckingham*, and *Winsige*, my reeve in *Oxford*, buried the aforesaid brothers among Christians. When therefore the Duke *Leofsige* heard of this, he repaired to my presence and complained against the aforesaid reeves on the ground that it was not right to bury the slain brothers with Christians. But I not wishing to grieve *Æthelwig*, because he was dear and precious to me, allowed them to rest along with Christians, and at the same time gave him the aforesaid land in perpetual inheritance. . . . Moreover in giving this command, I further enjoin that no document in other books is to be regarded as overriding my charter, but that it remain for ever in abeyance and be destroyed.

[Here follows a description of the "five hides of land at Eardulf's Lea, by metes and bounds."]

This schedule was written in the year 995 after our Lord's incar-

of Oxford, the King's Gerefas, give Christian burial to the slain. Part II. Upon this, the Ealdorman or Duke, Leofsige, repairs to the King, nation, in the 14th Indiction, with the approval of those witnesses whose names are written below.

The King's Gerefas give Christian burial to the parties slain, which being contrary to the law, they are accused by the Dux Leofsige.

I, King *Ethelred*, Emperor of the English, who hold the supremacy of the whole realm, do willingly grant the freedom of this gift or bestow it and give my consent thereto or joyfully confirm it.

I, *Siric*, [Bishop of the Church of *Canterbury*, have confirmed it.]

I, *Ælfstan*, Bishop of the Church of *London*, have corroborated it.

I, *Ælfheah*, Bishop of the Church of *Winchester*, have confirmed it.

I, *Æscwig*, Bishop of the Church of *Dorchester*, have declared it good.

I, *Ælfric*, Bishop of the Church of *Ramsbury*, have given it my support.

I, *Ealdwulf*, Bishop of the Church of *Worcester*, have assented thereto.

I, *Ordbeorht*, Bishop of the Church of the *South Saxons* (Selsey), have supplemented it.

I, *Ælfheah*, Bishop of the Church of *Lichfield*, have gladly given my consent thereto.

I, *Athulf*, Bishop of the Church of *Hereford*, have lent my aid.

I, *Ælfweald*, Bishop of the Church of *Crediton*, have supported it.

I, *Wulfsige*, Bishop of the Church of *Sherborne*, have gladly endowed it with my goodwill.

I, *Æthelweard*, Duke, affirm and strengthen it with joy, and here stand present as a witness.

I, *Ælfric*, Duke, hereby support or impress it with the sign of the Cross.

I, *Ælfhelm*, Duke,—I, *Leofwine*, Duke,—I, *Leofsige*, Duke,—I, *Ælfweard*, Abbot,—I, *Ælfsige*, Abbot,—I, *Brihtnoth*, Abbot,—I, *Brihthelm*, Abbot,—I, *Leofric*, Abbot,—I, *Ælfhere*, Abbot,—I, *Coenwulf*, Abbot,—I, *Ælfric*, Abbot,—I, *Ælfhun*, Abbot,—I, *Germanus*, Abbot,—I, *Ælfsige*, Minister,—I, *Ordwulf*, Minister,—I, *Leofric*, Minister,—I, *Wulfheah*, Minister,—I, *Wulfric*, Minister,—I, *Wulfget*, Minister,—I, *Æthelnoth*, Minister,—I, *Æthelric*, Minister,—I, *Æthelsige*, Minister,—I, *Æthelmær*, Minister,—I, *Ceolmund*, Minister,—I, *Wihtsige*, Minister,—I, *Æthelwig*, Minister. (Cotton MS. Claudius B vi, f. 97.)]

In the preceding list of the members of the Witenagemot, the Bishops describe themselves. All the "Duces" or Ealdormen can be identified. Leofsige, who appears to have been on ill terms with Ethelred, was banished by him in 1002, for slaying Æfic (perhaps the Æthelwig of the charter), the King's Heah Gerefas. Æthelward was killed in the fatal battle of Assingdon, 1016.—(Sax. Chron.) Ælfric or Alfric

Part II.

and informs against the Gerefas, who had violated the law. But the King, not willing that Athelwig, who was dear to him, should be grieved or troubled; grants Eardulph's Lea to his favourite, a demesne which, as must be inferred from the recital, had escheated to the Crown by the forfeiture of some of the guilty parties^a.

We have here a lively portraiture of the state of Anglo-Saxon society, as well as of the law, and of the abuses which the law attempted to remedy—the guild—the robbery—and the instant pursuit of the delinquent; we see the superiors, who are bound to bring the culprit to justice, abetting him in his wrong, and we witness the attempts made by the injured party to obtain restitution, ending in the loss of many lives. This Charter seems also to establish that land escheated for felony; but whether the subject of this grant was the property of the Thief, or of the Lord who defended him, is not to be clearly ascertained.

Land probably escheated to the King, in case of felony.

Summary punishment, and the principles which guided it, not changed in the Anglo-Norman period, or in the early ages of the Common Law (see Part I., pp. 172, 173).

All the principles of these judicial customs of the Anglo-Saxons continued unchanged, after the establishment of the English or Anglo-Norman Common Law. The failure to join in the "hutesium" was a misdemeanour; and the punishment followed instantly upon the detection of the Thief. But the absence of the "mainour," or the neglect of "fresh suit," averted the summary punishment; and if inflicted in such cases, the execution was considered as an offence, and as a perversion of the law^b.

holds a very conspicuous though dishonourable station in the history of the reign of Ethelred in manner before detailed; and Ælfhelm was slain at his instigation in 1006. Leofwine was the son of Æthelwin or Aylwin, the Ealdorman of East Anglia, and who had succeeded to his father's earldom, on the death of the latter A.D. 992.—(Sax. Chron. ad an.: Hist. Rams., p. 414.) The Ministri, or Thanes, correspond to the Barons of the Anglo-Norman period.

^a This Land-boc is also a valuable and singular specimen of a grant made in full Witenagemot. Amongst other particulars, it shews the great antiquity of the form of our indictments, which charge that the crime was committed at the instigation of the Devil.

^b *Ricardus Pyre et Willielmus Red*, latrones, inventi fuerunt in domo *Walteri Parys* in villa de *Tuggefurd*, et per clamorem patriæ capti fuerunt et decollati; et *Walterus Parys* receptator eorum, statim fugit et malecreditur. Ideo exigatur et utlagetur. Et villa de *Tuggefurd* non cepit dictum receptatorem, ideo in misericordia.—Rot. It. Salop. 40 Hen. III.

40 Hen. III.—Thieves pursued by the outcry of the country, and immediately beheaded—(Part I., pp. 172—174).

The person who harboured the

Whoever, after having been found "untrue to all the people," refused to appear before the Folkmoot, was, according to Ethelred and Canute, to be pursued by the King's Gerefæ or Sheriff. In this case it will be recollected, that the offender was in the situation of a party presented by a Grand Jury or indicted. He was not taken in the fact and forthwith abandoned to the vengeance of the party, but he was accused in open court, either by a presentment of the fact, or by that vehement suspicion which was considered as nearly equivalent to full proof, and thereby rendered amenable to the law of the community, from which he was to receive his doom.

Part II.
Contumacious offenders, or those who refused to appear after presentment or accusation, apprehended by the "Gerefæ," and compelled to find surety or "Borh," which if they failed to do, they became liable to capital punishment.

[*Richard Pyre* and *William Red*, thieves, were discovered in the house of *Walter Parys* in the town of *Tugford* and were taken on the hue and cry of the county and beheaded; and *Walter Parys* who harboured them immediately fled and he is suspected. Let him therefore be exacted and outlawed. And the town of *Tugford* did not take the aforesaid receiver, therefore it is in mercy. (Eyre Rolls, Shropshire. 40 Hen. III.)]

thieves presented by the Jury as being in malefidence, and therefore he is outlawed (Part I., pp. 169—211). Township amerced for failing to apprehend the receiver (Part I., p. 167).

Juratores præsentant quod *Johannes filius Nicholai de Appleby*, et *Willielmus Sutor* furati fuerunt quandam tunicam, ultra moram de *Steynmore* in Comitatu *Ebor'*, sed nesciunt in quo loco;—quam quidem tunicam postea vendiderunt apud *Penreth*, et post factum redierunt apud *Appleby*, et ibidem capti fuerunt per ballivos ejusdem villæ, et ibidem, coram *Willielmo de Goldington* tunc Majore et *Hugone le Graunger* et *Thome Weynd* Ballivis et *Johanne de Karliolo* et *Nicholao* fil. *Nicholai* coronatoribus et tota communitate villæ prædictæ, absque secta alicujus, seu manuopere, per considerationem Curie de *Appleby* suspensi fuerunt. Et quia fecerunt judicium super ipsos absque secta alicujus seu manuopere; ideo ad judicium de tota libertate, &c. Postea per justiciarios, eadem libertas capta est in manu Domini Regis pro prædictis transgressionibus; et *Johannes de Helton* et *Johannes le Irreys* fecerunt sacramentum coram justiciariis ad respondendum fideliter de exitibus et proficiis ejusdem villæ ad Scaccarium.—Rot. It. Westmoreland. 20 Ed. I.

20 Ed. I.—Two thieves executed by the judgment of the Burghmoot of Appleby, without fresh suit, and after they had parted with the mainour (Part I., p. 173). Liberty of the Town seized into the King's hands, in consequence of this illegal judgment (Part I., p. 174).

[The Jurors present that *John* son of *Nicholas* of *Appleby* and *William* the *Cobbler* stole a certain tunic, on the further side of the moor of *Stainmore*, in the County of *York*, but in what place they know not. This tunic the men sold in *Penrith* and after so doing they returned to *Appleby* and were there taken by the bailiffs of that town, and there, before *William* of *Goldington* who was then Mayor and *Hugh* the *Granger* and *Tom* *Weynd*, Bailiffs, and *John* of *Carlisle* and *Nicholas* son of *Nicholas*, coroners and the whole community of

Part II.

Alteration of the law—the power of making arrests having been given in the earlier laws of Edgar, to the suitors or members of the court.

Offender to be buried in unhallowed ground; any person abetting him to sustain the same punishment as the principal. Laws of Canute and Edgar repeated by the Conqueror (Part I., p. 44)

Miracle of St. Wilfred—two sureties arrive at the critical moment when an offender, under the foregoing circumstances, is about to be executed.

In the earlier law of Edgar, it is directed that certain persons from the “gemot” are to be selected, who are to ride after the delinquent; and the substitution of the Gerefa in the place of the suitors may be considered as indicating the increase of the executive authority. It was passing from the minor Commonwealth to the Monarch of the whole State. Now, the Sovereign carried the law into effect—heretofore the people had that power. The officer was to attach the culprit, and compel him to give surety or “borh,” and these manucaptors were to produce him in judgment, to answer such accusations as might be preferred against him; “but if he hath no surety, slay him, and let him lie in unhallowed ground, and whoever assists him in resisting the officers of justice, shall sustain the same doom^a.” Canute, by the advice of his Witan, renewed the penalty of 120 shillings, to be paid by those who refused to assist in the pursuit, which fine was retained by the Conqueror. This law of “borh” was strictly and rigorously enforced. The only indulgence obtained by the culprit was, that he might be allowed to continue in fetters and bonds until the requisite surety could be found. He might be redeemed at any time before execution; and the happy arrival of the fidejussors who rescued the votary of good St. Wilfred from an undeserved and ignominious death, is a miracle which holds a conspicuous place in the legend of the Patron of Ripon^b.

that town, without the suit of anyone and without the stolen goods being upon them they were hanged by the award of the Court of *Appleby*. And because they made a judgment upon them without suit of anyone and without the stolen goods being upon them, therefore to judgment with the franchise of the town, &c. Afterwards by the judgment of the justices the franchise was seized into the hands of the Lord King for the aforesaid trespasses; and *John of Helton* and *John the Irishman* took the oath before the Justices to answer faithfully for the issues and profits of the same town at the Exchequer. (Eyre Rolls, Westmoreland. 20 Ed. I.)]

^a Edgar, 78. Canute, ii. 30—39. William’s law is nearly a translation from Edgar. So far as concerns the punishment of the abettors, and their exclusion from Christian burial, these enactments were only declaratory of the law, as appears from Ethelred’s Charter.

^b Adolescens quidam, cum furti et latrocinii in civitate Eborum argueretur, vinculis mancipatus diuque reservatus, cum non esset qui fidejussoriam pro eo porrigeret cautionem, tandem adjudicatus morti ad supplicium ducebatur. [A certain youth, when accused of theft and robbery in the city of York, was committed to chains and kept

No class of perils, whether arising from flame or flood—no kind of signal deliverance, whether from the sword of the robber or the jaws of the lion—will be found to furnish so many incidents in the Acts of the Saints,—those inexhaustible mines of information concerning the manners and opinions of the middle ages—as the dangers resulting from the law, and the oppressions of those by whom it was administered. **Part II.**

Dangers and oppression of the laws furnish most abundant materials for the incidents of the *Acta Sanctorum*.

It must, however, be recollected, that the execution of the culprit was the consequence of a full and legal presentment, which may occasionally, as in the legend, have fallen upon the innocent, but which was not an arbitrary suspicion; it was grounded upon a mode of testimony guided by legal forms, and prescribed by the usages of the country. As I have before observed, the same doctrine, that the thief was false to the community, is to be traced in the legislation of the Carlovingian Kings^a; and, indeed, the law is only a variation of the general principle adopted towards the outlaw long after the Conquest:—death was to be his lot, unlamented and unavenged. Yet the punishment of death, when inflicted as above mentioned, is only another application of the laws which allowed of the instant execution of the outlaw or friendless man. (Part I., p. 169.) (Part I., p. 172.)

Edgar had greatly increased the punishment for theft. After experiencing the most frightful mutilations, the half-living carcass of the malefactor was cast to the beasts of prey and the fowls of heaven^b. Canute attempted slightly to mitigate these in custody for a long time, since there was no one who would supply the necessary surety on his behalf. At length he was sentenced to death and led away to execution.]—He implores the aid of St. Wilfred, not forgetting his orisons to St. Alehmund and St. Tilberht. The executioner lifts up his sword, and prepares to strike—in *qua morula, ecce duo juvenes, equis velocissimis vecti, ocius advolant: ac more patrio cautione pro eo præstita, adolescentem nece eripiunt, absolvunt vinculis, et liberum abire permittunt.* (*Acta Sanct. Septembris IV. p. 118.*) [In the short time that intervened, behold! two young men, riding very swift horses, quickly approach the scene, and give surety for the youth *in the manner of the country* and rescue the young fellow from death, free him of his chains, and allow him to go away free. (*Acts of the Saints, September IV. p. 118.*)]

Extreme severity of punishment inflicted by Edgar.

^a *Capitularia*, ii. 23.

^b Wolstan, in his *Metrical Life of St. Swithin* (*Lel. Coll. I. 154*)¹, expatiates on these acts of *justice, piety, and benignity*.

*Præcipit interea Rex justus et inclytus Edgar,
Quosque minis terrendo malos, lex staret ut ista
Gentis in Anglorum diffuso limite, quo si
Fur aliquis, seu prædo ferox, inventus eâdem*

Part II.

inflictions. Mutilation was again enforced by the Assizes of Henry II.^a But although the Common Law of England did not shrink from capital punishment, there was a sufficient feeling of humanity to induce the Courts of Justice to refrain from these exacerbations of death, which have so long disgraced the penal codes of the continental nations; and which, in the earlier periods of our history, contributed so powerfully in perpetuating our national aversion towards the Civil Law.

Adforet in patriâ, crudelia damna subiret,
 Lumine privatus miser et cæcatus utroque,
 Tortor eique simul nares præcidat et aures,
 Truncaretque manus plantasque securibus actis,
 Subtraheretque omnes capitis cum pelle capillos,
 Seminecemque virum, pœnâ cruciante peremptum,
 Projiceret canibus rabidis exactor edendum
 Nocturnisque avibus corvis et edacibus, atque
 Membratim in vacuas cæsum dispergeret auras.
 Stat prædicta pii lex et sententia Regis
 In commune bonum, quam sanxerat ille benignus.
 Exploratores sylvarum densa peragrant,
 Prædonesque locis investigantur opacis,
 Et membris cæsi præbent spectacula plebi.

[Meanwhile the just and renowned King Edgar gave command, terrifying with threats all evil-doers, that this law should endure within the wide spread bounds of the people of the English:—whereby if any thief or fierce robber be found within that country, he should undergo cruel punishments; let the wretch be deprived of sight and blinded in both his eyes; let the executioner cut off his nostrils and his ears and with the strokes of axes lop off his hands and feet. Let him too take off all the hairs of his head with the skin and when the man now half-killed has been finally put to death with agonizing doom, let the executioner throw his corpse to be eaten by the hungry dogs and the birds that haunt the night and by devouring ravens; and let him scatter his dead body, limb by limb, to the empty breezes of the heavens. So stands the law and sentence propounded by this pious King for the common weal, the law which he did graciously ordain. Men search and scour the thickets of the woods and robbers are tracked in leafy places, and with limbs lopped off present a warning sight for the people. (Leland, *Collectanea*, I. 154.)]

Such modes of government might well enable Edgar to repress robbery and sedition—*Tempore suo, latrones nulli fuerunt, nec aliquis qui guerram vel turbationem in regno movere audebat.*—Brompton, 869.

[In his time there were no robbers nor any one who dared to make war or disturbance in the Kingdom. (John of Brompton, p. 869.)]

^a See Assize of Clarendon, post.

FORMS OF CIVIL PROCEEDINGS. (XLIII., XLIV.)

The previous "demand of right," in the Hundred or Shire Court, expressly prescribed by Canute^a, whose law is translated by the Conqueror, is indicated, though less clearly, in the laws of Ina. The power of compelling appearance by distress, or taking pledges, was probably more particularly adapted to personal actions, though it may have been occasionally the mode of enforcing a claim to land, when the demandant was not *quite* powerful enough to make an entry upon the property. It must be particularly recollected, that this mode of proceeding was the only mode of enforcing the appearance of a defendant by the Common Law; it has only gone out of use at a very recent period; and the process of "*capias*" was created not by law, but by the astuteness of the officers of the Court of Common Pleas, and the willing aid of legal practitioners.

Distress or "namium," the first proceeding by which the appearance of a defendant was enforced.

No other process originally known to the Common Law.—(See Part I., p. 148.)

When the Defendant was brought before the Folkmoot, the party declared against him, according to ancient usage, repeating the accustomed and traditional forms. A most singular succession of rhythmical lines, apparently adapted to the assertion, or perhaps to the defence, of the rights arising out of land, is preserved in the well-known collection of Ernulfus^b; and the

Legal forms declared or enounced in poetry or rhythm (see Part I., pp. 115—120).

Poetical formula adapted to the claim or defence of a real action, preserved in the

^a Canute, ii. 18. And ne nime nan man nane næme, ne innan scire, ne ut of scire, ær man hæbbe thriwa on hundrede his rihtes gebeden.¹ [And let no one take any distress of any man, either within or without the shire, before he has thrice demanded his right in the hundred. (Canute's Secular Code, cap. 18.)] The translation given by Wilkins, is curiously incorrect:—*Et nemo alicujus hominis nomen, intra vel extra Provinciam assumat, antequam ter a centuria jus ejus sit postulatum.*

^b Of this singular relic I have been favoured with translations by the two most distinguished Anglo-Saxon scholars of the present day, the Rev. J. J. Conybeare and Mr. Price. The original is extremely obscure. It is uncertain whether it is properly to be considered as the *claim* of a demandant, who has begun by taking possession, or the *plea* of a tenant, who rebuts the attack. Mr. Price inclines to the opinion, that it contains a series of forms, united by the transcriber. The following lines may serve as a specimen of the rhythm:—

Ic agnian wille
To agenre ahte
pæt pæt ic hæbbe

[I will own
For my own possession
That which I have,

Part II.

comparison of the Anglo-Saxon "Law-speech" with the "Tryg-ðamal" of the Northmen, affords a proof of the conformity of

"Textus Roffensis" of Ernulphus, similar in spirit to the "Tryg-ðamal."

And næfre þæt yntan*
 Ne plot ne ploþ
 Ne turf ne toft
 Ne furh ne fotmæl
 Ne land ne læse
 Ne fersc ne merse
 Ne ruh ne rum
 Wudes ne feldeð
 Landes ne strandes
 Wealtes ne wæteres...
 Do swa ic lære
 Beo þe be þinum
 And læt me be minum
 Ne gyrne ic þines
 Ne læpes† ne landes
 Ne sace ne socne
 Ne þu mines ne dearft
 Ne mynte ic þe nan þing.¹

And never give it away (*read* ÿtan),
 Neither plot nor ploughland,
 Neither turf nor toft,
 Neither furrow nor footmeasure,
 Neither land nor leasow,
 Neither fresh nor marsh,
 Neither rough nor room,
 Of wood nor of field,
 Of land nor strand,
 Of wold nor of water...
 Do as I teach,
 Be thou with thine,
 And leave me with mine.
 I yearn not for thing of thine,
 Neither lathe nor land,
 Neither sac nor socn;
 Nor needest thou mine,
 Nor do I intend anything for thee.]

The "*general words*," or descriptions of the appurtenances of land, in the Anglo-Saxon Charters, (the "all and singular houses, out-houses, edifices," &c. of a modern deed,) have a great correspondence with these lines, shewing how their rhythmical forms were ingrafted upon the Anglo-Saxon law. "Windsor and Stanes" are thus granted to St. Peter by the Charter of the Confessor (Monasticon, I. 298),² with all that thereto belongeth:—

Binnan burh and butan
 Mid saca and mid socne
 Mid tolle and mid teame
 And mid infangenum-þeofe
 On wude and on felde
 Be strande and be lande
 On stræte and of stræte.

[Within town and without,
 With sac and soc,
 With toll and team,
 And with infangthief,
 In wood and in field,
 By strand and by land,
 On road and off road.]

This is the usual enumeration. But other phrases employed in the Rochester Rhyme are often found in the Charters. This fact shews that originally, and before the introduction of written instruments, the land was *granted* by a form similar to that by which it was *demand*ed or defend*ed*; and it is most probable that even after written instruments became in use, the ancient traditional form was recited by the party, when he delivered seisin of the property. And hence,

* Yntan is unknown to me. Can it be connected with "hyntha," "damage," "loss," and mean, "I will never suffer loss of it"; or it is an error for ymtian, pro æmtian vacare? (J. J. C.) The Textus Roffensis reads *thæt yntan*, which I know nothing of. The C. C. MS. reads *the myntan*, perhaps preserve or keep it.—(R. P.)

† A "Lathe" may imply a district, as in Kent. Mr. Price, however, supposes, that we should read "lædes," and that it is the same as the Icelandic *lad*, a grassy spot.

the proceedings, and of the principles upon which they were **Part II.** founded.

"So I hold it as he held it, who held it as saleable, and as I will own it—and never resign it—neither plot nor ploughland—nor turf nor toft—nor furrow nor foot length—nor land nor leasow—nor fresh nor marsh—nor rough ground nor room—nor wold nor fold—land nor strand—wood nor water." "Do as I rede thee"—is the reply.—"Keep thee to thine own—leave me to mine own—I covet not thine—neither lathe nor land—nor sac nor soc—Nor covet thou mine—nought need I from thee—nought did I mean unto thee."

All the Anglo-Saxon oaths are couched in a kind of easy alliterative rhythm—prose flowing into irregular verse; enough to aid the memory and to guide the ear, though not circumscribed by any regular metre^a. And, notwithstanding the labours of Augustine, it is to be suspected that the ancient wedding form is yet retained in our ritual, when the wife is taken "to have and to hold—from this day forward—for richer for poorer—for better for worse—in sickness and health—to love and to cherish—till death us do part^b."

Anglo-Saxon oaths shewing many vestiges of metre. The "Wedding" form, as retained in England at the present day, also derived from the ancient poetry of the law.

in the Latin Charters, these lines, or others of similar import, are frequently inserted in the vulgar tongue. The Clerk ingrossed the *Land Boc*, the Thane addressed the Witan of the Folkmoot, in which the conveyance was made.

^a The "old English law of promotion" (Part I., p. 24) is evidently part of a poem. The introductory lines completely retain their metrical form:—

Hit wæs hwilum
On Engla lagum
þæt leod and lagu
For be gepincpum.
And þa wæron leodwitan
Weorpsipes wyrðe,
Ælc be his mæpe,
Eorl and ceorl
pegen and peoden.¹

[In days of old
It was among English laws
That people and right
Fared by rank,
And then were men of intelligence held
Worthy of honour,
Each according to his degree,
Earl and churl,
Servant and lord.]

^b In the older marriage forms, the rhythm is more strongly marked than in that which is now in use. According to the usage of Salisbury, the bride answered: I take thee, John, to be my wedded husband—to have and to hold—fro' this day forward—for better for worse—for richer for poorer—in sycknesse, in hele—to be bonere and buxom (i.e. obedient; Germ. biegsam)—in bedde and at borde—till death us depart [if Holy Church it woll ordain]—and thereto I plight thee my

Part II.

These words, as a learned Catholic divine, Bishop Chaloner, observes, are inserted in our service according to the ancient Canon of England; and even when the Latin mass was sung by the tonsured priest, the promises which accompany the delivery of the symbolical pledge of union, were repeated by the blushing bride in a more intelligible tongue.

Scandinavian law forms—singular efficacy ascribed to them (see Part I., p. 120).

The binding force, which the Northmen in general ascribed to their legal formulæ, is a very curious feature in their jurisprudence. The words of power were considered as having an efficacy in themselves, without requiring either the assent or the understanding of the party to whom they were addressed. It was sufficient that the words were spoken. Once uttered, the charm had struck, and could not be dissolved.

The whole Saga of “Gunnlaug with the serpent’s tongue” turns upon this idea. The youthful poet sought instruction in the law from Thorstein the wise. A year was passed in listening to Thorstein’s lessons; but the severer studies of Gunnlaug were relieved by the contemplation of the charms of the fair-haired Helga, the daughter of the Sage. It chanced that they were sitting at the board, when Gunnlaug spake to Thorstein:—“One law-form yet remaineth, which thou hast not taught me; nor do I yet know how a maiden is to be wedded.” Thorstein answered, that few words were needed; and he recited the form of espousal. Gunnlaug then craved leave to repeat his lesson to Helga; a request to which the father assented, slightly hinting that the sport was idle. The lover, however, persisted, and pronounced the wedding words with audible precision and solemnity, and named his witnesses. All who were present laughed at the playful children; but in the aftertime, Gunnlaug vindicated his right to the hand of Helga, in bloodshed and in death^a.

troth¹. This, in fact, is the *wedding* or sponsio, the civil ceremony, to which the Church has added the benediction. The penultimate clause is evidently a Christian insertion. The form was adopted with some very slight variations in the other English dioceses. Thus, in the province of York, or, to speak more correctly, in the kingdom of Northumbria, the bridegroom’s promise was to the following effect:—I take thee, Alice—to my wedded wife—to have and to hold—at bedde and at borde—for fairer for fouler—for better for worse—in sykenesse in hele—till deth us depart. See Selden (*Uxor Hebraica*, lib. i. c. 28). The Belgic form of espousals, which he gives, is the English form in substance, but brought down into plain prose.

^a Gunnlaugs Saga Ormstungu.

THE KING'S HIGHWAYS. (XXVI.)

Part II.

In the Latin text of the laws, only three of the King's Highways are mentioned;—the French, or Romance, text has the usual number of four, corresponding with almost every other authority. Antiquarians have not altogether determined upon the lines taken by these communications. Even Stukeley, who travelled along them, and with no small danger of dislocations and contusions, was frequently at fault, and compelled to desert these venerable ruts of Belinus, and to amble again upon the Turnpike of King George. The main track, however, of "Watling Street," the most important in history, as it became the boundary of the Danish and English States, is ascertained with tolerable accuracy. "Fosse" is also perfect in parts; and though it was not a public frontier, it often divides manor from manor. Higden, diligent and laborious, uniting the information which he obtained from the stores of the library with the fruits of his own observation, has described the general directions of these ways with some degree of minuteness and accuracy; and we may be content to follow Irmin Street and Rikenild or Ikenild Way, according to the route which he has laid down^{a.1}

The four "Highways of the King"—Watling Street, Fosse, Irmin Street, and Ikenild or Rikenild Way or Street (see Part I., p. 232).

^a *Molmucius*, Kyng of Brytons, was the xxiii. of them, and fyrst y^t gaf them lawe. He ordeyned that plowmen solowes, Goddes temples, and hygh wayes that leden men to cytees and townes, sholde have the fredome of socoure, so that euery man that went to ony of the thre for socoure or for trespas y^t he had do shold be sauf for poursute of all his enemyes. But afterward, for that wayes were uncertayne and stryf was had, therfore *Belinus*, the kyng that was y^e forsayd *Molmucius* sone, for to put away all doubt and stryfe, made four hyghe kynges wayes, pryveleged with all pryveleges and fredom. And the wayes stretch thorough the Ilonde. The fyrst and gretest of the four wayes is called *Fosse*, and stretcheth out of the south into y^e northe, and begynneth from the corner of Cornewayll, and passeth forth by Devenshyre, by Somersete, and forth besydes Tethbury, upon Cotteswolde, besyde Coventre, unto Leyceetre, and soo forth by wylde pleynes toward Newerke, and endeth at Lyncoln. The seconde chyfe kynges hyghe waye is named *Watlyngstrete*, and stretcheth thwert ouer Fosse out of the south in to the northe weste, and begynneth at Douer, and passeth by the myddell of Kente over Tamyse, besyde London, by west Westmynstre, and so forth, by Saynt Albion, in the west syde, by Donstable, by Stratforde, by Towcetree, by Wedon, by South Lylleborn, by Atheriston, unto Gilbertus hylle, that now is

Part II.

The privileges of the "four ways," gradually extended to all public streets and highways.

(See Sir Richard Colt Hoare's Wiltshire.)

Mythological traditions connected with highways. "Chaussées de Brunehault" in Belgic Gaul.

Originally these ancient "Streets" seem alone to have enjoyed the privileges ascribed to Belinus. But the rights of the King were easily extended to all public roads; the property of the soil was considered as vested in him. If a stone was removed from the street, the Magistrates had the power to punish the offence as the most heinous robbery^a. Many British tumuli and fortifications are cut through by the four ways, in different parts of their course; it is possible that, in some instances, an older British causeway may have been repaired by the Romans; but no satisfactory opinion can be formed, until the whole of Britain shall have received illustrations as copious as those bestowed upon the county, which, containing Stonehenge and Amesbury, has been explored with unwearied zeal and enthusiasm.

The Saxons transferred their own local traditions to the highways of Britain; even as the Franks had done in Gaul. Brunehault there obtained the supremacy of the causeways of the Empire;—not the Queen of Sigebert, but the Brinhilda of the songs of the Edda, transformed by popular belief into a

called Werkene, and forth by Severne, and passeth besydes Wrokcetre, and thenne forth to Stratton, and so forth, by the myddell of Wales unto Cardykan, and endeth atte Iryshe see. The iii waye is called *Erymyngestret*, and stretcheth out of the west north-west into eest south-eest, and begynneth in Menevia, that is in Saynt Davyd londe, in West Wales, and stretcheth forth unto Southampton. The fourth is called *Rykenildestrete*, and stretchethe forth by Worcestre, by Wycombe, by Brymyngham, by Lychefelde, by Derby, by Chestrefelde, by Yorke, and forth unto Tynmouth.—Trevisa's Polychronicon, lib. i. c. 45.

^a This happened at Bath, in which city three unlucky travelling workmen removed a great stone, for which they were seized by the Magistrates;—ferocious animals as they are everywhere,—says Goscelin, the narrator of the miracles of St. Augustine (*Acta Sanct. Maii* IV. p. 403).—*Hinc indignati, præsidēs et iudices oppidi irruunt in eos, ut sunt passim, homines ferini, hiantes ad prædam; raptosque hos tres advenas, velut regii juris invasores et publici prædones, simul in aretissimum cippum, omni compede durius, constrinxere.*

[Whereupon in great indignation, the magistrates and judges of the town rush upon them, *beast-like men* as they are *everywhere*, always on the prowl for prey. They seize these three strangers, as though they were breakers of the King's law and public robbers, and fix them in the narrowest stocks, more painful than any fetters.]

Sorceress, and whose mythic character has a strange analogy to the misdeeds and cruelty of the Frankish Queen. "Watling Street" was the name applied to the Milky-way. Chaucer and Gavin Douglas thus describe the starry zone^a. If we seek the etymology of "Watling Street" in the Anglo-Saxon, it appears to be the path of the wanderer^b. Later traditions considered the galaxy as pointing out the road to the shrine of St. Jago. Mahomedan piety views the circle of light as pointing to the holy Mecca; and the Iroquois consider it as the path of souls. Whether the Anglo-Saxons had any similar belief cannot be ascertained; but the appropriation of the same identical name to the starry circle and also to the earthly road, may induce us to suppose that the latter had some connexion with the astral mythology of the early age.

Watling Street—the Milky-way called by the same name. Supposed by the Franks and Spaniards to indicate the road to St. Jago; by the Mahomedans as pointing to Mecca; and the "Way of Souls" of the Iroquois.

"Irmin Street" is more evidently related to the worship of the old Saxons. Irmin, in the cloudy Olympus of Teutonic belief, appears as a king and a warrior; and the pillar, the "Irminsûl," bearing the statue, or considered as the symbol of the Deity, was the Palladium of the Saxon nation, until the temple of Eresberg was destroyed by Charlemagne, and the column itself transferred to the monastery of Corbey, where perhaps a portion of the rude rock idol yet remains, covered by the ornaments of the Gothic era. The investigation of the character and attributes of this Deity, or Demigod, has long employed the erudition and excited the imagination of the learned of Germany, who, as is often the case, dazzle us with a display of riches which we cannot employ, and overwhelm us with erudition, which sometimes confounds even those by whom it is possessed. Protection and power, however, seem to have been ascribed to the Irminsûl, and as such, we may conjecture that the great Highway was placed under the same tutelary Deity,

Irmin Street—its connection with the pillar of Irmin, the Irminsûl, the principal idol of the "old Saxons."

^a ——— lo, the galaxy,
Which men clepeth the Milky-wey,
For hit is whyt, and somme, par fey,
Callen hit *Watlingestrete*.

House of Fame, bk. ii. 427.

Of every sterne, the twinkilling notis he
That in the stil hevin move cours we se
Arthuri's huyfe, and Hyades betaiknand rane,
Syne Watling streit ———.

G. Douglas, bk. iii. 8.

^b From *Wadol*—vagabundus, erraticus [wandering].—Lye.

Part II.

and that the sanctity of religious feeling was invoked in aid of the municipal law^a.

MAGICAL POWERS ASCRIBED TO THE FORMS OF THE LAW.

Ancient superstitions of the law amongst the Scandinavians, &c. (see Part I., pp. 120, 121). Animals dealt with, as if they were reasonable creatures.

Bears and wolves considered as outlaws by the Norwegians.

Hence perhaps the origin of the ancient legal phrase, "*lupinum caput gerere*," as applied to an outlaw (see Part I., p. 172).

Amongst the Scandinavians, the law embraced all living things. Brute beasts were included in the social compact; the industrious beaver, according to the laws of Haco, the foster-son of Athelstane, had "his house even as the bonde"; and if the beaver were killed, a fine of three marks was paid both for blood-wite and hamesoken, to the beaver's Lord, the owner of the ground. It may be thought, at first, that this compensation was made upon the familiar principle of indemnifying the proprietor for the loss of the fur; but such an interpretation, though more practical and homely, is contradicted by the language of the Code, which speaks expressly of the domicile of the animal, and of his rights as an inhabitant. But the grim denizens of the forest, the enemies of mankind, were declared to be out of the protection of the law. "Bear and wolf shall be outlaws in every place^b"; a phrase which affords a most singular and pertinent commentary upon the definition of an outlaw—the Bearer of the Wolf's head—according to our own jurisprudence. Yet, even the bear was entitled to due notice. If Bruin robbed and spoiled his two-legged countrymen, it was necessary to summon a Tinwald Court, in which he was declared to be liable to condign punishment^c.

^a The reader who wishes for further information on the subject of the Irminsûl, may consult the older treatise of Meibomius, "*De Irminsula Saxonica*," or the more modern productions of Von der Hagen (*Irmin, Seine Säule*, &c., *Breslau*, 1817), and Grimm (*Irminstrasse und Irminsäule*, *Wien*, 1815). The latter treatise, in particular, contains a profusion of mythological and etymological learning, of which I have availed myself. It has been a great matter of dispute, whether Irmin should be identified with Mars, or with Mercury. The name of the Temple speaks in favour of the first etymology; the name of the Deity for the last and also the highway patronage.

^b Biorn ög úlf skal hvervetna útlægr vera.

^c *Saga af Finboga hinum rama*, or Tale of Finbog the Strong—*Copenhagen*, 1812, p. 247. The bear is killed by Finbog in single combat; but the hero treats his antagonist with chivalrous courtesy, and has many parleys with him. Werlauff, the learned Editor, adds, that the opinion that Bears have a reasonable knowledge of Danish, is yet prevalent in Norway.

The terrific "war-wolf,"¹ or "loup-garou," seems to have been **Part II.** originally only the "Wargus"; a wretch banished from his fellow-creatures by the judicial sentence which forbade his nearest kindred, his wife or his child, from affording him the smallest aid^a. And it is not altogether difficult to understand how the depredations to which such a wretched outcast was incited by his need, or prompted by his ferocity, may have contributed to form the popular notion of this direful visitant. Nor is it less singular that the crime which, amongst the Franks, more particularly drew down this punishment, was the spoliation of the corpse. The vengeance of the disembodied spirit may have been considered as concurring in the punishment of the unhappy offender; aided by the imprecations, which, in the day of paganism, accompanied the sentence thundered forth from the rocky temple,—the scene of government, of judgment, and of unholy sacrifice.

The "Wargus" of the Salic and Ripuarian laws, one banished from all human society—the "War-wolf," or "Loup-garou."

Analogous ideas may be traced throughout the middle ages; and it was supposed, that noxious vermin—rats, mice, and even insects—would obey the decree of a civil tribunal. These strange acts were occasionally accompanied by sentences of excommunication, which were to be enforced if the defendants failed to obey the sentence which expelled them. The Church remonstrated against this abuse; but it indicates that the source of these opinions is to be found in the ancient connexion between the rites of religion and legal ceremonies. Both proceeded from the same source; and the might of the Hierophant was united, in the opinion of the people, to the solemn forms of the law^b.

Animals banished by legal decrees.

Hence, they extended it not only to man, but to the Fiend. When the ghastly corpse was tenanted by the foul spirit, who raised the carcass in all the loathsomeness of the grave, for the purpose of tormenting the survivors, the Northmen addressed the "Gienganger" (literally, a "Revenant," one who "gangs again"), as an illegal trespasser, bound to obey the same code as a living intruder. The Doomsman holds the Court in the ordinary form, and when the judgment is pronounced, the corpse, filled with

Vampires liable to legal process—ejected by action, and burnt by sentence of the Magistrate.

^a Lex Salica, § lvii. de corporibus spoliatis, 5.

[The Salic Law, § lvii. concerning the robbing of corpses.]

Lex Ripuaria, § lxxxv. de corpore spoliato, 2.

[The Ripuarian Law, § lxxxv. concerning the robbery of a corpse.]

^b It is, perhaps, not altogether owing to accident, that the metrical claim (see above, p. 185) is united in the Textus Roffensis (p. 51) to an exorcism.

Part II.

demoniac life, rises from the seat and yields to the sentence of the tribunal^a, and the Saga whence we gain the information particularly notices that all the ordinary legal forms were used. But this opinion was not peculiar to Iceland; and in all those countries where similar strange and unaccountable scenes made the night hideous, a similar course was pursued. The Vampire, or the “Broukolaka,” was not to be quieted by exorcisms. He feared not holy water; he fled not before the hallowed relics; he defied bell, book, and candle;—but it was necessary to exhume and consume the dead offender; and this proceeding took place in consequence of a formal decree of the Magistrate, made upon legal evidence of the Vampire’s crimes^b. And in order to escape the preternatural summons thundered forth at Dunedin’s Cross, when

——— each chief of birth and fame,
Of lowland, highland, border, isle,
Foredoomed to Flodden’s carnage pile,
Was cited there by name;

an appeal was lodged against the judgment^c in the manner which would have been recognized by the College of Justice. Even in bargains with the Tempter, we always find a valid, if not a good consideration, and a bond, signed and sealed in due form of law.

^a Eyrbiggia Saga, p. 280.

^b Le seul remède contre ces apparitions est de couper la tête et de brûler le corps de ceux qui reviennent. Toutesfois, *on ne procède pas sans forme de justice*; on cite et on entend les témoins: on examine les raisons; on considère les corps exhumés pour voir si l’on y trouve les marques ordinaires qui font conjecturer que ce sont ceux qui molestent les vivans, comme la mobilité, la souplesse dans les membres, la fluidité dans le sang, l’incorruption dans les chairs. Si ces marques se rencontrent, on les livre au bourreau qui les brûle.—Calmet, *Sur les Vampires*, vol. ii. p. 36.

[The only remedy for these apparitions is to cut off the heads and burn the bodies of those who re-appear. As a rule, *no steps are taken without form of justice*; witnesses are called and heard; reasons are weighed; the corpses are exhumed and examined to see if any ordinary signs can be found on them, which could lead one to suppose that they are those who trouble the living—for example, mobility, suppleness in the limbs, blood in a state of flux, a lack of decomposition in the flesh. If these signs are met with, they are delivered to the executioner to be burnt.]

^c See Pitcottie, as quoted in the Notes to Marmion, p. 97.

GERMANIC TRIBUNALS, SUPPOSED TO BE CONNECTED WITH THE
PAGAN POLICY—THE FREE FIELD COURT OF CORBEY—THE
VEHMIC, OR SECRET TRIBUNALS OF WESTPHALIA.

In Germany, there existed a singular jurisdiction, which claimed a direct descent from the Pagan policy and mystic ritual of the earliest Teutons.

We learn from the Historians of Saxony, that the "Frey Feldgericht" of Corbey was, in Pagan times, under the supremacy of the Priests of the Eresberg, the Temple which contained the Irminsül, or pillar of Irmin, to which I have already alluded^a. After the conversion of the people, the possessions of the temple were conferred by Louis the Pious upon the Abbey which arose upon its site. The court was composed of sixteen persons, who held their offices for life. The senior member presided as the Gerefa or Graff; the junior performed the humbler duties of "Frohner," or summoner; the remaining fourteen acted as the Echevins, and by them all judgments were pronounced or declared. When any one of these died, a new member was elected by the Priests, from amongst the twenty-two septs or families inhabiting the Gau or district, and who included all the hereditary occupants of the soil. Afterwards, the selection was made by the Monks, but always with the assent of the Graff and of the "Frohner."

The seat of judgment, the King's seat, or "Königsstuhl," was always established on the green sward; and we collect from the context, that the tribunal was also raised or appointed in the common fields of the Gau, for the purpose of deciding disputes relating to the land within its precinct. Such a "King's seat" was a plot sixteen feet in length, and sixteen feet in breadth; and when the ground was first consecrated, the Frohner dug a grave in the centre, in which each of the Free Echevins threw a handful of ashes, a coal, and a tile. If any doubt arose whether a place of judgment had been duly hallowed, the Judges sought for the tokens. If they were not found, then all the judgments which had been given became null and void. It was also of the very essence of the Court, that it should be held beneath the sky, and by the light of the sun. All the ancient Teutonic judicial assemblies were held in the open air; but some relic of solar worship may perhaps be traced in the usage and in the language of this tribunal. The forms adopted in the Free Field Court also

The "Frey Feldgericht," or Free Field Court of the Abbey of Corbey, anciently under the supremacy of the Priests of the Irminsül (see above, p. 191).

Composed of sixteen members—the Graff or Gerefa, the senior member; the "Frohner," or summoner, the junior member, and fourteen "Schöppen," "Rechtsprecher," or Echevins—Declarers of judgment, chosen from amongst the twenty-two septs or families who inhabited the "Gau"—(Part I., p. 70).

The "King's seat," or place of judgment, how consecrated.

If any judgment was given on a spot not duly consecrated, it was void and of no effect.

(See Part I., p. III.) Vestiges of solar worship—similarity to the Bardic institutions.

^a Meibomius, de Irminsula Saxonica, cap. iv.

Part II. betray a singular affinity to the doctrines of the British Bards respecting their Gorseddau, or Conventions, which were “always held in the open air, in the eye of the light, and in face of the sun^a.”

Form of opening
the Court, by a
metrical dialogue
between the
Frohner and the
Graff.

When a criminal was to be judged, or a cause to be decided, the Graff and the Free Echevins assembled around the “Königststuhl”; and the “Frohner,” having proclaimed silence, opened the proceedings by reciting the following rhymes:

Sir Graff, with permission,
I beg you to say,
According to law, and without delay,
If I, your Knave,
Who judgment crave,
With your good grace,
Upon the King's seat, this seat may place.

To this address the Graff replied:

While the sun shines with even light
Upon Masters and Knaves, I shall declare
The law of might, according to right.
Place the King's seat true and square,
Let even measure, for justice sake,
Be given in sight of God and man,
That the plaintiff his complaint may make,
And the defendant answer,—if he can.

In conformity with this permission, the “Frohner” placed the seat of judgment in the middle of the plot, and then he spake for the second time:

Sir Graff, Master brave,
I remind you of your honour, here,
And moreover that I am your Knave;
Tell me, therefore, for law sincere,
If these mete-wands are even and sure,
Fit for the rich and fit for the poor,
Both to measure land and condition;
Tell me as you would eschew perdition.

And so speaking, he laid the mete-wand on the ground. The Graff then began to try the measure, by placing his right foot

^a Owen Pugh's *Elegies of Llywarch Hên*, Pref., p. 46. The place of these meetings was set apart by forming a circle of stones round the *Maen Gorsedd*, or Stone of the Gorsedd.

against the wand, and he was followed by the other Free Echevins **Part II.** in rank and order, according to seniority. The length of the mete-wand being thus proved, the Frohner spake for the third time:

Sir Graff, I ask by permission,
If I with your mete-wand may mete
Openly, and without displeasure,
Here the king's free judgment seat.

And the Graff replied:

I permit right,
And I forbid wrong,
Under the pains and penalties
That to the old known laws belong.

Now was the time of measuring the mystic plot; it was measured by the mete-wand along and athwart, and when the dimensions were found to be true, the Graff placed himself in the seat of judgment, and gave the charge to the assembled Free Echevins, warning them to pronounce judgment, according to right and justice.

On this day, with common consent,
And under the clear firmament,
A free field court is established here,
In the open eye of day;
Enter soberly, ye who may.
The seat in its place is pight,
The mete-wand is found to be right;
Declare your judgments without delay;
And let the doom be truly given,
Whilst yet the Sun shines bright in heaven^a.

^a I owe this translation to the kindness of a friend. I add the metrical form in the original Nether-Saxon dialect. Sir Walter Scott, as my readers will already have perceived, has made good use of this judicial dialogue in *Anne of Geierstein*, though, by a very excusable poetic licence, he has transferred the rhymes from the free Field court of Corbey, to the Free Vehmlic tribunal,—of which, more anon:—

I.

Herr Greve
Met Orlove
Unde met behage
Eck yock frage
Segget my vor Recht,
Eif eck yuwer Knecht,

Düssen Stoel sette möge
Up den König Stoel mit Orlove.

II.

All dewile die Sunne met rechte
Beschynet Herrn und Knechte

Part II.

Jurisdiction of the Free Court, extending to all crimes committed in the open air, but to none others.

Judgment was given by the Free Echevins according to plurality of voices. The jurisdiction of the Court extended to all crimes committed in the open air—thefts of cattle, or agricultural implements, trespasses—and even murder. But unless the eye of light saw the deed, the Free Court, assembled beneath the sky, could not judge the offender. Though the Echevins might pronounce sentence of death, they could not carry the sentence into execution, the criminal being transferred for that purpose to the feudal superior. This restriction, however, was probably of more recent introduction. The Free Judges also appear to have possessed originally a territorial jurisdiction. A free tenant could not sell his land to a villain, but only to another free tenant. A surrender of the tenement was made in court; and as soon as the free tenant was divested of his land, he became “dienstbar,” a vassal or villain. If this fact be correctly stated by Justus Georgius Schottelius, it is a very singular proof of the extent to which the principle of territorial qualification was carried amongst the Saxon tribes.

It possessed also a territorial jurisdiction.

Courts of a similar nature in other adjoining districts.

Similar tribunals existed in many other parts of Saxony, not retaining so many mystical ceremonies, yet still betraying their common origin. These courts were “fenced” by a dialogue between the Judge and the Prosecutor, no longer in verse, yet in which we discover the phrases of the metrical form—the solemn appeals to the eye of day, the bidding of right, the forbidding of wrong. The Echevins were composed of the villainage, somewhat obscured in their functions by the learning of the grave Civilian

Unde alle use Werke,
So sprecke eck dat Recht so stercke;
Den Stoel tho setten even
Unde Rechte mate tho geven,
Den Kleger Recht tho hören
Dem beklageden tho antworten.

III.

Herr Greve, leve Herre
Eck vermahne yock yuwer Ehre,
Eck sy yuwer Knecht.
Darum segget my vor Recht.
Eff düsse mathe sy gelicke
Dem armen also dem ricken.
Tho meten Lande and Stande
By yuwer Seelen pand.

IV.

Herr Greve,
Eck frage met Orlove,
Eff eck moge meten,
Met yuwe mede Weten,

Openbar und unverholen
Düssen freyen König Stoel.

V.

Eck erlove Recht
Unde vorbede unrecht
Bey peinn der olden erkannten Recht.

VI.

All dewile an düssen Dage
Met yuwer allem behage,
Under dem hellem Himel klar,
Ein frey feld gericht openbar:
Geheget beym lechten Sünnschein
Met nochterm Mund kommen herin,
De Stoel ock is gesettelt recht
Det maht befunden upgerecht
So sprecket Recht ane with und wonne,
Up Klage unde Antwort, weil schient
die Sunne.

who was associated with them, and somewhat limited by the Part II.
 encroachments of modern feudality; but they were still substantially the judges of the court. The "wroge," presentments, or accusations, were brought before them; and the "honourable Scabini" gave their decision. Usage had limited this jurisdiction to petty trespasses and offences, whether against the peace or against good morals. These were punished by pecuniary fines. If greater crimes were brought before them, they declared the culprit to be in the mercy of the feudal Lord, and the Judge appointed by him took cognizance of the case accordingly^a.

Of more reputation than the preceding, were the celebrated Vehmich Tribunals of Westphalia, so well known from Romance; but the protocols of their proceedings do not altogether realize the popular idea of their terrors and tyranny. Their victims were not buried in subterraneous dungeons, or stretched upon the rack. The Court was held with known and notorious publicity beneath the "eye of light"; and the sentences, though speedy and severe, were founded upon a regular system of established jurisprudence, not so strange, even to England, as it may at first sight appear.

The "Vehm Gerichte," or Vehmich Tribunals of Westphalia. Erroneous ideas respecting these Courts.

Westphalia, according to its ancient constitution, was divided into districts called "Freygraffschafften," each of which usually contained one, and sometimes many, Vehmich Tribunals, whose boundaries were accurately defined. The right of the "Stuhlherr," or Lord, was of a feudal nature, and could be transferred by the ordinary modes of alienation; and if the Lord did not choose to act in his own person, he nominated a "Freygraff" to execute the office in his stead.

Westphalia, divided into "Freygraffschafften" or Free Gravates or Counties, each containing one or more Vehmich Tribunals.

The Court itself was composed of "Freyschöppen," Scabini, or Echevins, nominated by the Graff, and who were divided into two classes: the ordinary, and the "Wissende" or "Witan," who were admitted under a strict and singular bond of secrecy.

Court composed of "Freyschöppen," or Free Echevins, divided into two classes: the ordinary, and the "Wissende" or "Witan"—(see Part I., pp. 115, 116). Initiation of the "Wissende" could only take place upon the "red earth."

The initiation of these, the participators in all the mysteries of the tribunal, could only take place upon the "red earth^b," or

^a I have extracted this account of the tribunals of Corbey from the treatise "de singularibus quibusdam in Germania juribus," &c., by Justus Georgius Schottelius—Frankfort, 1671. He speaks of the ordinary tribunals as then existing, and of the Freygericht of Corbey, as having been held within the memory of the authorities whom he quotes.

^b Was this the colour of the Saxon banner?

Part II. within the limits of the ancient Duchy of Westphalia. Bare-headed and ungirt, the candidate is conducted before the dread tribunal. He is interrogated as to his qualifications, or rather as to the absence of any disqualification. He must be free born, a Teuton, and clear of any accusation cognizable by the tribunal of which he is to become a member.—If the answers are satisfactory, he then takes the oath, swearing by the Holy Law^a, that he will conceal the secrets of the Holy Vehme from wife and child—from father and mother—from sister and brother—from fire and water—from every creature upon which the sun shines, or upon which the rain falls—from every being between earth and heaven.

Rhythmical oath, taken by the candidate, binding him to secrecy, and to make denunciation or presentment of offenders.

Another clause relates to his active duties. He further swears, that he will “say forth” to the tribunal all crimes or offences which fall beneath the secret ban of the Emperor, which he knows to be true, or which he has heard from trustworthy report; and that he will not forbear to do so, for love nor for loathing, for gold nor for silver nor precious stones.—This oath being imposed upon him, the new Freischöppe was then entrusted with the secrets of the Vehmic Tribunal. He received the password, by which he was to know his fellows, and the grip or sign by which they recognized each other in silence; and he was warned of the terrible punishment awaiting the perjured brother.—If he discloses the secrets of the Court, he is to expect that he will be suddenly seized by the ministers of vengeance. His eyes are bound, he is cast down on the soil, his tongue is torn out through the back of his neck—and he is then to be hanged seven times higher than any other criminal. And whether restrained by the fear of punishment, or by the stronger ties of mystery, no instance was ever known of any violation of the secrets of the tribunal.

Punishment inflicted upon a “Nothschöppe,” or one who had disclosed the secrets of the tribunal.

Vast number of the initiated.

Thus connected by an invisible bond, the members of the “Holy Vehme” became extremely numerous. In the fourteenth century, the league contained upwards of one hundred thousand members. Persons of every rank sought to be associated to this powerful community, and to participate in the immunities which the brethren possessed. Princes were eager to allow their ministers to become the members of this mysterious and holy alliance;

^a Ich gelobe bey der heiligen *Ehe*. The employment of *Ehe* for law, is a pure Anglo-Saxonism—Ae, or Æwa. In a secondary sense it signifies marriage; and perhaps any lawful obligation.

and the cities of the Empire were equally anxious to enrol their magistrates in the Vehmic union. **Part II.**

The supreme government of the Vehmic Tribunals was vested in the great or general Chapter, composed of the Freegraves and all the other initiated members, high and low. Over this assembly the Emperor might preside in person, but more usually by his deputy, the Stadtholder of the ancient Duchy of Westphalia; an office, which, after the fall of Henry the Lion, Duke of Brunswick, was annexed to the Archbishopric of Cologne.

General Chapter, or Parliament of the Vehmic Tribunals, possessing both a judicial and a legislative authority.

Before the general Chapter, all the members were liable to account for their acts. And it appears that the "Freegraves" reported the proceedings which had taken place within their jurisdictions in the course of the year. Unworthy members were expelled, or sustained a severer punishment. Statutes, or "Reformations," as they were called, were here enacted for the regulation of the Courts, and the amendment of any abuses; and new and unforeseen cases, for which the existing laws did not provide a remedy, received their determination in the Vehmic Parliament.

As the Echevins were of two classes, uninitiated and initiated, so the Vehmic Courts had also a twofold character; the "Offenbare Ding" was an Open Court or Folkmoot; but the "Heimliche Acht" was the far-famed Secret Tribunal.

Vehmic Courts of two descriptions —the "Offenbare Ding," or Open Folkmoot (see Part I., pp. 111, 112), and the "Heimliche Acht," or Secret Tribunal.

The first was held three times in each year. According to the ancient Teutonic usage, it usually assembled on Tuesday, anciently called "Dingstag," or court-day, as well as "Diensttag," or serving-day, the first open or working day after the two great weekly festivals of Sun-day and Moon-day. Here all the householders of the district, whether free or bond, attended as suitors. The "Offenbare Ding" exercised a civil jurisdiction; and in this Folkmoot appeared any complainant or appellant who sought to obtain the aid of the Vehmic Tribunal, in those cases where it did not possess that summary jurisdiction from which it has obtained such fearful celebrity. Here also the suitors of the district made presentments or "wroge," as they are termed, of any offences committed within their knowledge, and which were to be punished by the Graff and Echevins.

Proceedings in the Open Court, to which all the residents within its jurisdiction owed suit and service.

The criminal jurisdiction of the Vehmic Tribunal took the widest range. The "Vehme" could punish mere slander and contumely. Any violation of the Ten Commandments was to be restrained by the Echevins. Secret crimes, not to be proved by the ordinary testimony of witnesses, such as magic, witchcraft,

Extent of the jurisdiction assumed by the Vehmic Tribunals.

Part II. and poison, were particularly to be restrained by the Vehmic Judges; and they sometimes designated their jurisdiction as comprehending every offence against the honour of man or the precepts of religion. Such a definition, if definition it can be called, evidently allowed them to bring every action of which an individual might complain, within the scope of their tribunals. The forcible usurpation of land became an offence against the "Vehme." And if the property of an humble individual was occupied by the proud Burghers of the Hanse, the power of the Defendants might afford a reasonable excuse for the interference of the Vehmic power.

Circuits of the Echevins; offenders apprehended in open delict, "hondhabbend," &c. (Part I., p. 172) immediately executed.

The Echevins, as Conservators of the Ban of the Empire, were bound to make constant circuits within their districts, by night and by day. If they could apprehend a thief, a murderer, or the perpetrator of any other heinous crime in possession of the "mainour," or in the very act; or if his own mouth confessed the deed, they hung him upon the next tree. But to render this execution legal, the following requisites were necessary:—fresh suit, or the apprehension and execution of the offender before daybreak or nightfall;—the visible evidence of the crime;—and lastly, that three Echevins, at least, should seize the offender, testify against him, and judge of the recent deed.

"Inquisitorial proceedings" upon "Leumund" or open fame, corresponding to the "malecredence" of the old English law (Part I., p. 175).

If confirmed by the Secret Tribunal, the "Acht" or bann was denounced against the culprit, and he was executed as soon as he could be apprehended.

If, without any certain accuser, and without the indication of crime, an individual was strongly and vehemently suspected; or when the nature of the offence was such as that its proof could only rest upon opinion and presumption, the offender then became subject to what the German jurists term the inquisitorial proceeding; it became the duty of the Echevin to denounce the "Leumund^a," or manifest evil fame, to the Secret Tribunal. If the Echevins and the Freygraff were satisfied with the presentment, either from their own knowledge or from the information of their compeer, the offender was said to be "verfämbt";—his life was forfeited; and wherever he was found by the brethren of the tribunal, they executed him without the slightest delay or mercy. An offender who had escaped from the Echevins was liable to the same punishment; and such also was the doom of the party,

^a Denunciation upon Leumund, is exactly the "malecredence" of Anglo-Norman law. The word signifies common and notorious, or evil fame or repute. Wachter derives it from Leoma or Lioma (A.S.), light or brightness; hence applied to matters openly and notoriously known.

who, after having been summoned pursuant to an appeal preferred in open court, made default in appearing. But one of the "Wissende" was in no respect liable to the summary process, or to the inquisitorial proceeding, unless he had revealed the secrets of the Court. He was presumed to be a true man; and if accused upon vehement suspicion or "Leumund," the same presumption or evil repute, which was fatal to the uninitiated, might be entirely rebutted by the compurgatory oath of the free Echevin. If a party, accused by appeal, did not shun investigation, he appeared in the Open Court, and defended himself according to the ordinary rules of law. If he absconded, or if the evidence or presumptions were against him, the accusation then came before the Judges of the Secret Court, who pronounced the doom. The accusatorial process, as it was termed, was also, in many cases, brought in the first instance before the "Heimliche Acht." Proceeding upon the examination of witnesses, it possessed no peculiar character, and its forms were those of the ordinary courts of justice. It was only in this manner that one of the "Wissende" or "Witan" could be tried; and the privilege of being exempted from the summary process or from the effects of the "Leumund," appears to have been one of the reasons which induced so many of those who did not tread the "red earth" to seek to be included in the Vehmic bond.

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One of the "Wissende," being presumed to be a true man, was always allowed to clear himself by his compurgatory oath.

Accusatorial or ordinary process, by examination of witnesses.

The "Wissende" liable only to the accusatorial process.

There was no mystery in the assembly of the Heimliche Acht. Under the oak or under the lime-tree, the Judges assembled; in broad day-light and before the eye of heaven; but the tribunal derived its name from the precautions which were taken, for the purpose of preventing any disclosure of its proceedings which might enable the offender to escape the vengeance of the Vehme. Hence, the fearful oath of secrecy which bound the Echevins. And if any stranger was found present in the Court, the unlucky intruder instantly forfeited his life as a punishment for his temerity. If the presentment or denunciation did chance to become known to the offender, the law allowed him a right of appeal. But the permission was of very little utility, it was a profitless boon, for the Vehmic Judges always laboured to conceal the judgment from the hapless criminal, who seldom was aware of his sentence until his neck was encircled by the halter.

"Heimliche Acht," or Secret Tribunal or Court, derived its name from the precautions taken for the purpose of preventing its proceedings from being divulged,—not from any secrecy in the time or manner of the meeting.

Charlemagne, according to the traditions of Westphalia, was the founder of the Vehmic Tribunal; and it was supposed that he instituted the Court for the purpose of coercing the Saxons, ever ready to relapse into the idolatry from which they had been

Vehmic Tribunals—their origin attributed to Charlemagne; but to be considered more properly as the

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ancient
denunciatory
courts of the
"Old Saxons,"
which had
survived the
conquest of the
nation.

Comparison
between the
Vehmic Courts
and the English
territorial
jurisdictions of
the Hundred,
&c. (Part I.,
pp. 80—174).

Probability,
that in earlier
periods persons
accused upon
"Leumund"
before the
Vehmic Courts
could clear
themselves by
ordeal.

reclaimed, not by persuasion, but by the sword. This opinion, however, is not confirmed either by documentary evidence or by contemporary historians. And if we examine the proceedings of the Vehmic Tribunal, we shall see that, in principle, it differs in no essential character from the summary jurisdiction exercised in the townships and hundreds of Anglo-Saxon England. Amongst us, the thief or the robber was equally liable to summary punishment, if apprehended by the men of the Township; and the same rules disqualified them from proceeding to summary execution. An English outlaw was exactly in the situation of him, who had escaped from the hands of the Echevins, or who had failed to appear before the Vehmic Court: he was condemned unheard, nor was he confronted with his accusers. The inquisitorial proceedings, as they are termed by the German Jurists, are identical with our ancient presentments. Presumptions are substituted for proofs, and general opinion holds the place of a responsible accuser. He who was untrue to all the people, in the Saxon age, or liable to the malecredence of the inquest at a subsequent period, was scarcely more fortunate than he who was branded as "Leumund" by the Vehmic law.

In cases of open delict and of outlawry, there was substantially no difference whatever between the English and the Vehmic proceedings. But in the inquisitorial process, the delinquent was allowed, according to our older code, to run the risk of the ordeal. He was accused by or before the Hundred, or the Thanes of the Wapentake; and his own oath cleared him, if a true man; but he "bore the iron" if unable to avail himself of the credit derived from a good and fair reputation. The same course may have been originally adopted in Westphalia; for the "Wissend," when accused, could exculpate himself by his compurgatory oath, being presumed to be of good fame; and it is therefore probable that an uninitiated offender, standing a stage lower in character and credibility, was allowed the last resort of the ordeal. But when the judgment of God was abolished by the decrees of the Church, it did not occur to the Vehmic Judges to put the offender upon his second trial by the visne, which now forms the distinguishing characteristic of the English law, and he was at once considered as condemned. The Heimliche Acht is a presentment not traversable by the offender.

The Vehmic Tribunals can only be considered as the original jurisdictions of the "Old Saxons," which survived the subjugation of their country. The singular and mystic forms of initiation,

the system of enigmatical phrases, the use of the signs and symbols **Part II.** of recognition, may probably be ascribed to the period when the whole system was united to the worship of the Deities of vengeance, and when the sentence was promulgated by the Doomsmen, assembled, like the Ases of old, before the altars of Thor or Woden. Of this connexion with ancient pagan policy, so clearly to be traced in the Icelandic Courts, the English territorial jurisdictions offer some very faint vestiges^a; but the mystery had long been dispersed, and the whole system passed into the ordinary machinery of the law.

As to the Vehmic Tribunals, it is acknowledged, that in a truly barbarous age and country, their proceedings, however violent, were not without utility. Their severe and secret vengeance often deterred the rapacity of the noble robber, and protected the humble suppliant; the extent, and even the abuse, of their authority was in some measure justified in an Empire divided into numerous independent jurisdictions, and not subjected to any paramount tribunal, able to administer impartial justice to the oppressed. But as the times improved, the Vehmic Tribunals degenerated. The Echevins, chosen from the inferior ranks, did not possess any personal consideration. Opposed by the opulent cities of the Hanse, and objects of the suspicion and the enmity of the powerful aristocracy, the tribunals of some districts were abolished by law, and others took the form of ordinary territorial jurisdictions; the greater number fell into desuetude. Yet, as late as the middle of the eighteenth century, a few Vehmic Tribunals existed in name, though, as it may be easily supposed, without possessing any remnant of their pristine power^b.

a Vehmic Tribunals—not without their use in Germany.

^a The strange ceremony of the "Gathering of the Ward Staff" in Ongar Hundred (see below, p. 207), for instance, possesses a similarity to the style of the Free Field Court of Corbey.

^b The principal authorities which I have consulted are, Schottelius; Freherus de Secretis Judiciis, Ratisbon, 1762; Kopp, Ueber die Verfassung der Heimlichen Gerichte, Göttingen, 1794; Beck, Geschichte der Westphälischen Fehm Gerichte, Bremen, 1814; and the Corpus Juris Germanici, Frankfort, 1766. The latter contains some very curious original documents, and in particular the "Codex Legum et Consuetudinum Judicii Westphalici summæ sedis Tremonensis." The covers of the original manuscript of this code were fastened by a padlock; and the reader, if he found its pages open, was to be deterred by the inscription, warning him, at his peril, to refrain from indulging

Part II.

PLACES AND MODE OF ASSEMBLING THE FOLKMOOT OF THE HUNDRED.—THE “WARD-STAFF” OF ONGAR.

Examples of the assemblages of the ancient popular courts in the open air, in the neighbourhood of springs, under trees, upon Moot hills (see Part I., p. 113).

In England, the ancient mode of assembling the suitors of the Hundred “beneath the sky,” continued to be retained with very remarkable steadiness. Within memory, at least within the memory of those who flourished when English topography began to be studied, the primeval custom still flourished throughout the realm. Halikeld Wapentake derives its name from the consecrated spring, whose worship was forbidden by Cnute. Modbury, the Mootbergh, vies with the Tinwald of Man; and similar examples of Hundred and Manor Courts, held upon Moot hills, or beneath ancient trees, may be found in every

his curiosity. None but a Free Echevin was to venture to peruse the Custumal of the dread Tribunal. The manuscript begins with a short nomenclature:—

- i. *Freygraff*—Judex est et locumtenens Regis quoad jurisdictionem.
- ii. *Freyscheff*—Assessor est Comitum privilegiati archanorum judiciorum; atque illos archani conscios vocant, *Wissendt*.
- iii. *Notschöff*—Qui privilegia et archana Scabinorum archanorum false ac dolose suscepit, et perjurio commisso, eos decepit.
- iv. *Unwissendt*—Omnes vocant qui non sunt Scabini privilegiati atque ejus symboli nescii.
- v. *Stulherr*—Est ejus territorii dominus, in quo habetur sedes judiciaria.

[*The Body of German Law, Frankfurt 1776—
The Code of Laws and Customs of the chief court
of Westphalian Justice at Dortmund.*]

- [i. *Freygraff*—Is the judge and as regards jurisdiction the king’s deputy.
- ii. *Freyscheff*—Is assistant of the Count, who has authority to pronounce secret dooms, and they call those who have knowledge of the secrets *Wissendt*.
- iii. *Notschöff*—One who has been admitted to the power and secrets of the Echevins fraudulently and deceitfully, and committing perjury, has deceived them.
- iv. *Unwissendt*—Are called all those who are not privileged Scabines and do not know its sign.
- v. *Stulherr*—Is the Lord of that territory, in which the Court of justice is situated.]

Shire^a. It is remarkable that, on the Continent, there appear to be very few subsisting traces of popular Courts held in the open air, except in Scandinavia and its dependencies, where the authority of Charlemagne did not extend; in Westphalia, where the Vehmic Tribunals retained, as I have supposed, their pristine Saxon law; and in "Free Friesland," the last stronghold of Teutonic liberty.

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Few similar meetings *sub dio* on the Continent, except in Scandinavia (which, not being subject to Charlemagne, was not affected by his capitular, Part I., p. xix, directing such meetings to be held under cover) and in Westphalia, where the ancient jurisdictions subsisted as before mentioned, and in Friesland.

The "Tale of the Ward Staff," to which we must now proceed, appears as a strange and uncouth fragment of the earliest customs of the Teutons. Corrupted by the errors of the transcriber, the "Tale" was, without doubt, also modernized in the mouths of the Churls who repeated it; and yet we can still recognize the tone and the phraseology of the Courts of the Eresberg. The "Irminsûl" itself has been described as a trunk of a tree. Thor was worshipped under the same rude symbol; and it may be suspected, that the singular respect and reverence shewn to the Ward Staff of the East Saxons, is not without its relation to the rites and ceremonies of the heathen time, though innocently and unconsciously retained.

TALE OF THE WARD STAFF^b.

Aungr Hundr.—The order of the gathering and yearly making of the Wardstaff of the King there, with the due course and circumstance of the yearly watch, ward, and service royall incident to the same. That is to say,

^a Halikeld is in Yorkshire; Modbury (i.e. Mot-beorg) is in Devon; the following examples may be added:—Barkston (York) under an ash-tree, called Barkston Ash; Fawsley (Northampton) under an enormous beech, called Mangrave, measuring nineteen feet in circumference above the spurs; Sheffield (Surrey) under an oak; Bucklow (Cheshire) on Bucklow Hill; Clarho (York) on a small hillock, perhaps a natural elevation, near Acton Mauleverer.

^b Morant (Hist. Essex, I. p. 126) says, "The MS. whence this was taken, is an account of the rents of the Hundred in the time of John Stoner (of Loughton) who had a grant of it for his life in the 34th of Hen. VIII., which are said to be such as have been executed, done, paid, used, observed, and kept, not only in the time of Ed. III. and Rob. Bruce, sometime King of Scots, but also in the time of his noble progenitors, Kings of England, long before, when the Saxons inhabited this realme, as manifestly may appeare more at large by antient records thereof made by Humfrey de Bohun then Earl of Hereford and Essex and Constable of England, Lord of the said Hundred, dated at Pleashy the 10th of July, in the 11th of the said King Edward, as also by divers others ancient and sundrie notable Records, the same remaining written in the Saxon tongue."

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First, the Bailiffe of the said Libertie, or Hundred shall gather and yearly make the Wardstaffe of some willow bough, growing in Abbasse-Rothing Wood, the Sunday next before Hock-Munday^a, which shall containe in length iii quarters of a yard, and viii inches round in compasse, or thereabout. And hee shall convey the same ymediately unto the Mannor Place of Ruckwood-Hall, in Abbasse-Rothing afores'd, where the Lord of the said Manor for the tyme being shall *reverently the same receive into his house, and shall rowle itt upp in a faire fine lynnyn cloth, or towell*, and so lay it upon some pillow or cushion on a table or cubberd standing in the *chiefe or highest place in the hall* of the said Maner Place, there to remaine untill the said Bailiffe shall have refreshed himself. And when the said Bailiffe shall see convenient tyme to departe, he shall convey the same staffe by *sunne shineing* unto Wardhatch-lane besides Long-Barnes, in Roothing aforesaid; when and where the said Lord of Ruckwood-Hall, and all and everie other tennant and tennants, land-owners, which by reason of their tenure doe hould their lands likewise by service Royall, to watch and warde the said staffe there, upon convenient summons and warning to be given unto them yearly by the said Lord of Ruckwood-Hall for the time being, with their full ordinarie number of able men well harnished with sufficient weapon shall attend. Whereuppon the Lord of Ruckwood-Hall shall then and there yearly at his proper costs and charges, have readie prepared a great rope called a barr, with a bell hanging on the end of the same, which he shall cause to be extended overthwart the said lane, as the custom hath beene, to stay and arrest such people as would pass by. Att the end of which said barr, not far from the said bell, shall be *laid downe reverently* the said staffe upon a pillowe or cushion, on the ground; which done, forthwith the said Bailiffe shall severally call the names of all the aforesaid tenants, land-owners, who shall present their said ordinarie number of men accordingly. Then shall the said Bailiffe in the King our Sovereigne Lord's name, straightlie charge and comand them and everie of them to watch and keep the ward in due silence, soe that the King be harmless and the countree scatheless, untill the sunne arrising, when good houre shall be for the said Lord of Ruckwood-Hall to repair unto the said Staffe, who in the presence of the whole watch shall take the same Staffe into his hand, and shall make uppon the upper rind of the same with

^a A Fortnight after Easter.

a knife, a score or notch, as a marke or token, declaring their **Part II.** loyall service done for that year in this behalfe; and soe shall deliver the said Staffe unto the Bailiffe, sending it unto the Lord or land-owner of the Mannor of Fiffeild, or unto the Tennant resiant, saying this notable narrac[i]on of the Wardstaffe hereafter written, in the Saxon tongue; which done, they may hale up the said barr, and depart at their pleasure.

THE TALE OF THE WARDSTAFFE.

Iche athied the Staffe byleue	[Quickly I laid hold of (<i>read</i> athield) the Staff,
Thanne Staffe Iche toke byleue,	The Staff I took quickly,
Byleue Iche will tellen	Quickly I will tell
How the Staffe have I got:	How I the Staff have got;
Thotlie Staffe to me com,	That Staff there came to me,
As he houton for to don,	As it ought to do;
Faire and well Iche him underfing	Fairly and well I received him
As Iche houton for to don.	As I ought to do:
All iche thearon challenged	By it I challenged all
That thearon was for to challenge,	That was to be challenged by it,
Nameliche, this, and this,	Namely this and this,
And all that thear was for to challenge.	And all that there was to be challenged.
Fayer iche him upp dede,	Fairly I dressed him up
As iche houton for to don,	As I ought to do,
All iche warnyd to the ward to cum,	All I warned to come to the watching,
That thereto houton for to cum	That ought to come to it,
By <i>sunne shining</i> .	By <i>sun shining</i> .
We our roope theder brouton,	We brought our rope thither,
A roope celtan, as we houton for to don,	Made a rope ring (<i>read</i> cneldon), as we ought to do,
And there waren and wakeden,	And remained there and kept watch,
And the ward soe kept	And so kept ward,
That the King was harmeles	That the King suffered no loss,
And the Country scatheless.	And the Country no damage.
And a morn when itt day was,	And in the morning when it was light
And the sun arisen was,	And the sun had arisen,
Faier honour waren to us toke,	Due honour was bestowed on us,
Als us howen for to don.	As they ought to do to us.
Fayre on the staffe wee scorden	Fairly we put a score on the staff,
As we houton for to don.	As we ought to do,
Fayre we him senden,	Fairly we sent it
Hether we houuen for to sende.	Thither (<i>read</i> Thether) we have to send it.
And zif ther is any man,	And if there is any man,
That this wittsiggen ^a can;	That may gainsay this,
Iche am here ready for to don	I am here ready to do
Ayens himself iche one.	Battle against him, I alone;
Other mid him on,	Either with him alone,
Other mid myn feren	Or with my companions
Als we ther waren.	As we were there.
Sir, by leave, take this Staffe,	Sir, by your leave, take this Staff.
This is the Tale of the Wardstaffe ^{b, 1}	This is the tale of the Wardstaffe.]

^a Wipsecgan to Gainsay.

^b The corruptions that this "Tale" has sustained have been partly remedied by conjecture, in which I have enjoyed the able assistance of Mr. Price and Mr. Singer.

Part II. The *Munday* following, called *Hock-Munday*, the said Staffe shall be presented yearly unto the Lord and owner of the manor of *Fiffeild* for the time being, or his resient, who shall ymediately unfold the clothes it is wrapped in, that it may appear by the score made thereon, how the aforesaid Lord of *Ruckwood Hall* and other tennants, which by reason of their tenures of their lands, owe suit and service to watch the said Staffe at *Abbass-Rothing* aforesaid, have done their watch and service-royall accordingly the night before. Then shall he clothe it again, lay it in order, and use it in every degree as the Lord of *Ruckwood-Hall* hath done, &c.

This is called *Abbass-Rothing Watch*.

N.B. The watch is kept at the Cross with a hand, at the three Wants in *Fiffeild*.

Tuesday following, it is carried to the Lord of the Mannor of *Nash-Hall* in *High-Ongar*, who, &c. as before. This is called *Stondon Watch*.

N.B. The watch is kept at *Horrelsford*, alias *Hallsford*.

Navestock Watch.

Wednesday following the same is yearly presented to the Lord of the Mannor of *Loft-Hall* in *Navestock*, &c. The watch is kept in *Three Wants-Lane*.

Stapleford-Abbots Watch.

The *Thursday* following, the said Staffe shalle be yearly presented to the Lord of *Battels Hall*, &c. Watch kept at *Pissingford Bridge*.

Lamborne.

Friday following, the said Staff shall be yearly presented to the Lord of the Manor of *Lamborne-Hall*, &c. The watch is kept at a cross in the middle of the town of *Abridge*.

Chigwell.

The *Sunday* following, the Staff shall be presented to the land-owners of *Loughborrow*, &c. The watch kept at the cross against the church.

Theydon-Gernon.

The *Monday* following, the Staff shall be presented to the Lord of the Manor of *Gaynes-Park-Hall*, &c. The watch kept at *Webbis-Cross* in *Theydon-Gernon*.

Morton.

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The *Tuesday* following, the said Staffe shall be yearly presented to the Lord of the Manor of *Blake-Hall*, &c. Watch kept in the midst of the town of *Morton*.

Maudlin-Laver.

The *Wednesday* following the Staffe shall be presented yearly unto the Lord of the Manor of *High-Laver*, &c. Watch at Poole-lane end in *Maudlin-Laver*.

The ceremony of the watch in each parish I have omitted, being the same as in Abbasse-Rothing. I have also omitted the number of watchmen in each parish.

This Procession seems to have been a yearly muster of fencible men, who were appointed to guard the Hundred against murthers and robberies, for both which it was liable to pay a fine. If, by preventing these, the King receives no harm, as in the loss of a subject, or the felonious breach of his peace, the subject escapes a fine, otherwise due for suffering a murtherer or thief to escape.

The ceremony began at Abbasse-Rothing, as at the extremity of the Hundred, went on to Chigwell, the other extreme, and returned to High-Laver, which was in the neighbourhood of Ruckwood-Hall. At one of these two manor-houses we may suppose it deposited, with due regard to royal authority.

What we learn from Records concerning the design of this ceremony of the Wardstaff is, that it was to represent the King's person^a, and to keep the King's peace. Some lands were held by the service of finding two men to watch with the Wardstaff, of keeping the Wardstaff; and of paying Ward-silver, and doing white-service at the Wardstaff^b.

^a Margaret Nynge ten' . . . 4 acr' pasture, 2 acr' prati, 3 acr' bosci in Bobingworthe de Dño Rege, per servic' custodiendi Virgam Dñi Regis vocat' le Wardstaffe apud Bobbingworthe annuatim cum ibid' venerit; per quam quidem Virgam, Persona Dñi Regis representatur. —Inquis. 15 Hen. VIII. March 1st.

[Margaret Nynge holds . . . 4 acres of pasture, 2 acres of meadow, 3 acres of wood in Bobbingworth of our Lord the King by the service of keeping the Staff of our Lord the King called the Wardstaff at Bobbingworth, when he came every year to that place; by which Staff, indeed, the Person of the Lord King is represented. (Inquis. 15 Hen. VIII. March 1st.)]

^b Johēs Wright ten' Maner' de Kelvedon de Robtō Dnō Riche, ut de le Wardstaffe; et per servic' inveniendi duos homines ad vigiland'

Part II.

To conclude, this Wardstaff was to be carried through the towns and hundreds of Essex, as far as a place called Atte Wode near the sea, and be thrown there into the sea^a. This custom hath been long neglected. (Morant's Essex, vol. ii. pp. 126, 127.)

cum p'dcō Wardstaffe, pro omnibus serviciis, &c.—Inquis. 6 Jaco. July 16. Reginald Bysmere ten' Maner' de Daweshall in Lambourn, de Duce Buck' ut de Castro de Ongar, per fid' & reddit 2s. per ann. vocat' Ward silver, ac ad faciend' dcō Duci, Album servic' ad le Wardstaffe in Hundred' de Ongar.—Inquis. 22 Hen. VII. Cecilia Welis ten' Maner' de Maddels in Epping, &c. de eodem Duce per servic' custodiendi le Wardstaffe pro omni servic' &c.—Inquis. 23 Hen. VII.

[John Wright holds the Manor of Kelvedon of Robert, Lord Rich as of the Wardstaff and by the service of finding two men to watch with the aforesaid wardstaff for all services. (Inquis. 6 James, July 16th.)

Reginald Bysmere holds the Manor of Daweshall in Lambourne of the Duke of Buckingham as of the Castle of Ongar, by fidelity and the rent of 2s. annually called Ward silver by doing to the said Duke White service for the Wardstaff in the Hundred of Ongar. (Inquis. 22 Henry VII.)

Cecily Welis holds the Manor of Maddels in Epping, &c., of the same Duke by the service of keeping the Wardstaff for all service, &c. (Inquis. 23 Hen. VII.)]

^a Isabella de Dover, pro dimid' Maner' de Chyngelford, debebat, per ballivum, ad le Hokeday ferre quoddam baculum vocat' Wardstaff, pro pace Regis servanda, qui baculus deferri debet per vill' et Hundr' Essex usque locum vocat' Attewode prope mare, et ibi projici in mare.—Rot. Assis. 56 Hen. III. rot. 4.

[Isabel of Dover, for half the Manor of Chingford ought to carry by her bailiff on Hock-day a certain staff called Wardstaff, for the preservation of the King's Peace; which staff should be carried through the towns and hundreds of Essex as far as a place called Attewode near the sea, and there cast into the sea. (Rolls of the Assizes, 56 Hen. III. roll 4.)]

Part II.

Recort de Veue.

Recort de veue, doit estre fet par quatre chevalers, et par les serjans et par huit loiax hommez, si qe chascun doit jurer, quant l' om plaide por la proprieté de la chose. Mes se la veue fu de dessaisine, ou pour aucune tel chose, il poet estre fet par duze loiaus hommes qi jurent, et par le serjant.

Record of View.

[*Record of View.*

Record of View is to be borne by four knights and by the sergeants and by eight legal men, in such wise that each man is to be sworn, when the action is one of proprietary right. But if the view be of disseisin, or any such matter, it may be made by twelve legal men on oath, and by the sergeant.]

The foregoing extracts are taken from a very valuable manuscript of the Grand Coustumier, or Custumal of Normandy, in the possession of the Earl of Gosford, and formerly belonging to Sir Oliver St. John. The Custumal itself is the production of some private practitioner, but unquestionably containing the usages of the country, as they prevailed at the period of its separation from the English Crown.

EXAMPLES OF ORAL RECORD ACCORDING TO THE
ANTIEN T ENGLISH LAW.

OXON. *Simon de la Cumbe, Gilbertus de la Hyde, Willielmus de Clinton, et Radulphus Waunzy* dicunt pro comitatu Oxoniæ quod *Adam de Bedingfield* nunquam in comitatu illo uthlagatus fuit; de quo præceptum fuit vicecomiti ut inde inquireret rei veritatem. Et dicunt quod nichil ibi fecit, unde utlagari debuit.—Plac. apud Westm. 6 Ric. I.

Four Knights bear record of the result of an Inquest taken in the County Court concerning an individual, who had been falsely alleged to have incurred outlawry.

[EXAMPLES OF ORAL RECORD ACCORDING TO THE
ANCIENT ENGLISH LAW.

OXON. *Simon de la Cumbe, Gilbert de la Hyde, William de Clinton and Ralph Waunzy* say on behalf of the County of Oxford that *Adam de Bedingfield* had never been outlawed in that county; whereupon the sheriff was ordered to inquire into the truth of the matter. And they say that he had done nothing in that county, for which he ought to have been outlawed. (Pleas at Westminster, 6 Richard I.)]

Part II. himself and another; and if he does not wish to bear it, it can be borne by two others; and his (royal) person is not subject to challenge either in this or other matters. All legal proceedings in his presence shall have forthwith perpetual force.]

De Recort d'Eschequier.

Record of the Exchequer.

Recort d'Eschequier doit estre fet au mains par sept personnes creablez, a qi l' om doit enjoindre qe il diront voir, par le serement qe ilz ont fet au Roy; et ilz le doivent otrorier. Et se ilz n' ont fet serement au Roy, il jureront qe ilz recorderont verité. Et se les personnez voelent seonner aucun des recordeorz, ilz doivent estre oi; et ce a lieu en tout recort de court, excepté la personne, et celle au baillif, fors en lor propres causes. Cest recort puet estre en des chosez qi sont feites ou dites ou otroiees en court.

[Of Record in the Exchequer.]

Record of Exchequer should be borne by at least seven credible persons, on whom it is to be enjoined that they speak the truth, in accordance with the oath which they have taken to the King; and they must promise that. And if they have not made oath to the King, they will swear to bear true record. And if the parties concerned desire to challenge any of the recorders, they must have a hearing; and this holds good in every record of court, the King's person excepted and that of his justiciar, unless their interests are concerned. This record may apply to things done or said or granted in a court.]

De Recort d'assise.

Record of Assize.

Recort d'assise, est fet en ceste meisme manere, fors qe li recors de l'Eschequier doit estre fez en l'Eschequier, et cil de l'assise en l'assise.

[Of Record of Assize.]

Record of Assize is borne in the same manner, except that the record of the Exchequer is to be borne in the Exchequer and that of the assize in the assize.]

Recort de Bataille.

Record of Battle.

Recort de bataille, doit estre fet par sept homes jurés, en qui court qe la bataille ait esté feite.

[Record of Battle.]

Record of Battle is to be made by seven sworn men, in the court in which the battle was adjudged.]

Part II.

Recort de Veue.

Recort de veue, doit estre fet par quatre chevalers, et par les serjans et par huit loiax hommez, si qe chascun doit jurer, quant l' om plaide por la proprieté de la chose. Mes se la veue fu de dessaisine, ou pour aucune tel chose, il poet estre fet par duze loiaus hommes qi jurent, et par le serjant.

Record of View.

[*Record of View.*

Record of View is to be borne by four knights and by the sergeants and by eight legal men, in such wise that each man is to be sworn, when the action is one of proprietary right. But if the view be of disseisin, or any such matter, it may be made by twelve legal men on oath, and by the sergeant.]

The foregoing extracts are taken from a very valuable manuscript of the Grand Coustumier, or Custumal of Normandy, in the possession of the Earl of Gosford, and formerly belonging to Sir Oliver St. John. The Custumal itself is the production of some private practitioner, but unquestionably containing the usages of the country, as they prevailed at the period of its separation from the English Crown.

EXAMPLES OF ORAL RECORD ACCORDING TO THE
ANTIEN T ENGLISH LAW.

OXON. *Simon de la Cumbe, Gilbertus de la Hyde, Willielmus de Clinton, et Radulphus Waunzy* dicunt pro comitatu Oxoniæ quod *Adam de Bedingfield* nunquam in comitatu illo uthlagatus fuit; de quo præceptum fuit vicecomiti ut inde inquireret rei veritatem. Et dicunt quod nichil ibi fecit, unde utlagari debuit.—Plac. apud Westm. 6 Ric. I.

Four Knights bear record of the result of an Inquest taken in the County Court concerning an individual, who had been falsely alleged to have incurred outlawry.

[EXAMPLES OF ORAL RECORD ACCORDING TO THE
ANCIENT ENGLISH LAW.

OXON. *Simon de la Cumbe, Gilbert de la Hyde, William de Clinton and Ralph Waunzy* say on behalf of the County of Oxford that *Adam de Bedingfield* had never been outlawed in that county; whereupon the sheriff was ordered to inquire into the truth of the matter. And they say that he had done nothing in that county, for which he ought to have been outlawed. (Pleas at Westminster, 6 Richard I.)]

Part II.

Justices in Eyre bear record in the King's Court at Westminster, of an Appeal brought in the County of Lincoln, by Hugo de Severby, who, as he alleges, was present when Alvedus de Glenthamslew his brother, Henricus de Severby. The Appellant being, as usual, a witness in his own cause (see Part I., p. 190).

The Defendant pleads that he is disabled by epilepsy, but offers to defend himself by either of two Champions, who are his kinsmen, and also his men or vassals.

Plaintiff replies, that he took the Defendant (and another, who had escaped, and is outlawed), in the fact, and prays that it may be inquired by a Jury of twenty-four Knights, whether the Defendant be or be not afflicted with the epilepsy, and whether the Champions are or are not his kinsmen.

Knights keeping the Pleas of the Crown, i.e. the Coroners of the County (Part I., p. 242), testify that the Appeal had been duly brought in the County Court.

LINCOLN. *Galfridus filius Petri et Willielmus de Stuteville et eorum socii, justiciarii itinerantes in comitatu Lincolnie, recordant, quod Hugo de Severbi appellat Alvedum de Glentham quod contra pacem domini Regis et inique assultavit Henricum fratrem suum, et illum vulneravit dexterâ manu suâ, unde obiit. Et hoc offert probare versus eum, per considerationem curiæ, et quod hoc vidit et audivit. Et Jordanum appellat de vi, qui uthlagatus est.*

Alvedus totum defendit, sicut homo maimatus de morbo caduco, et sicut curia consideraverit, vel per Robertum de Karleton hominem suum et cognatum, vel per Willielmum Braunche, qui hoc offerunt defendere, per corpora sua.

Hugo autem dicit, quod ad factum cepit ipsos Alvedum et Jordanum et ipsos liberavit ballivis Gerardi de Camville, tunc Vic. et petit ut inquiratur per sacramentum viginti et quatuor militum provincialium utrum Alvedus habet morbum caducum vel non. Et utrum Robertus et Willielmus parentes ejus sint, vel non.

Milites custodientes placita coronæ inde conventi dicunt, quod in comitatu primo appellavit Jordanum, qui nunc utlagatus est, de facto, et Alvedum de vi.—Plac. apud Westm. 6 Ric. I.

[LINCOLN. *Geoffrey Fitz-Peter and William of Stuteville and their fellows, Justices in Eyre in the county of Lincoln, bear record that Hugh of Severby appeals Alured of Glentham, because, against the peace of our Lord the King and wickedly, he assaulted his brother Henry and wounded him with his right hand, in consequence of which wound he has since died. And this he (i.e. Hugh) offers to prove against him, by the award of the court, and that he saw and heard this. And he appeals Jordan of violence, who is outlawed.*

Alured defends the whole charge as one disabled by epilepsy and as the court shall award, either by Robert of Karleton, his man and kinsman or by William Braunche, who offer to defend this charge by their bodies.

Hugh however says that he took Alured and Jordan in the act and delivered them to the bailiffs of Gerard of Camville, then the sheriff. He prays that an inquiry be made by the oath of twenty-four Knights of the county as to whether Alured has epilepsy or not; and whether Robert and William are his kinsmen or not.

The Knights keeping the pleas of the Crown, who were there

assembled, state that Hugh appealed *Jordan* in the first County Court for the deed and he is now outlawed, and he had also appealed *Alured* for violence. (Pleas at Westminster, 6 Richard I.)]

Part II.

OXON. *Ricardus filius Nigelli, Willielmus filius Nigelli, Willielmus de Bruges, Walterus de Gersinton, Henricus de Hauverd, Ricardus Talemasche et Willielmus filius Eliæ, missi per comitatum Oxoniæ ad faciendum recordum loquelæ quæ fuit in comitatu, inter Ricardum Foliot petentem et Willielmum Salveyn tenentem, de una hida terræ et dimidia in Kadewell, recordantur, quod Ricardus venit in comitatu, et tulit breve de recto versus eundem Willielmum, et probavit defaultam curiæ Willielmi de Oyly.*—Placita apud Westm. 5 Joh.

Knights deputed by the County Court to the King's Court at Westminster, who make record, or testify, concerning a Plea in the County Court: thereby giving the same information to the superior Court, *viâ voce*, which was afterwards given in writing, by the return to writ of *recordari facias loquelam*.

[OXON. *Richard Fitz-Nigel, William Fitz-Nigel, William of Bruges, Walter of Garsington, Henry of Hayford, Richard Tollemache and William, son of Elias* were sent by the County Court of Oxford to make record of a plea held in the County Court between *Richard Foliot* demandant and *William Salveyn* tenant, of one hide and a half of land in *Kadewell*. They record that *Richard* came to the County Court and brought a writ of right against this same *William* and proved a default of the court of *William of Oyly*. (Pleas at Westminster, 5 John.)]

Rex Vicecomiti *Eborum*, salutem. Præcipimus tibi quod assumptis tecum quatuor discretis et legalibus militibus de comitatu tuo accedas ad curiam, &c. Et in plena curia illa recordari facias loquelam, quæ est in eadem curia per breve nostrum de recto, &c. Et *recordum illum habeas* coram iusticiariis nostris apud Westmonasterium tali die *sub sigillo* tuo et sigillis quatuor legalium hominum ejusdem curiæ, ex illis qui recordo illi interfuerint.

Writs of *re. fa. lo.* as in use after the custom was introduced of sending a written statement or record of the transactions of the inferior Courts under the seals of the persons who "recorded" them, and which statement was now termed the "record," in the same manner as the verbal deposition had previously been (see Part I., p. 119).

[The King to the Sheriff of *York*, greeting. We hereby command you that taking with you four discreet and legal knights of your shire, you repair to the Court, etc.; and in full court you cause to be recorded the plea, which is in that same court by our writ of right etc.; and *do you have that record* before our justices at Westminster on such and such a day, *under your own seal* and the seals of four legal men of the same court from among those who were present at that record.]

Part II. Rex, &c. Comiti *Cestrie* filio suo charissimo vel ejus justiciario, &c. salutem. Cum A. petit, &c., mandamus vobis, quod si ita sit, tunc in pleno comitatu vestro recordari facias loquelam prædictam. Et recordum et processum loquelæ prædictæ, cum omnibus ea tangentibus, justiciariis nostris apud Westmonasterium tali die *sub sigillo vestro et sigillis quatuor legalium militum* ejusdem comitatus, ex illis qui recordo illi interfuerint, distincte et aperte mittatis.—
Reg. Brevium, pp. 5, 6.

[The King, &c., to the Earl of *Chester*, his own beloved son or his justice, &c., greeting. Whereas A. demands, &c., we command you, that, if it be so, you then in full county court cause that plea to be recorded; and that you send clearly and openly to our justices at Westminster, that record and the process of the aforesaid plea, with all matters that relate thereto, on such and such a day, *under your own seal and the seals of four legal knights* of that same county, from among those who were present at that record. (Register of Writs, pp. 5, 6.)]

ASSIZE OR STATUTE OF HENRY II. FOR THE CONSERVATION OF THE PEACE.

Assize of Henry II. (Part I., pp. 210—212.) Its singularity, as being the earliest specimen of Anglo-Norman legislation preserved in an authentic form.

Independently of the importance possessed by this Assize, on account of the regulations which it prescribes, it is very remarkable, as the earliest specimen of an Anglo-Norman statute in an authentic form. The laws of William the Conqueror are promulgated like those of his Anglo-Saxon predecessors, but this is an act of Parliamentary regulation; and the other documents of a similar description are only recited by the chroniclers, who, though they may have given the substance of the Assizes of Henry II. and Richard I. with tolerable accuracy, have yet failed to present them in their strict and legal guise. The present Statute is contained in a very fine and early copy of Glanville (Bib. Reg. 14. C. ii.), where it has lurked unnoticed until the present time. And it is possible, that other MSS. of the same class may yet conceal legislative proceedings of great value. The clauses relating to the Inquests of the Townships and Hundreds, and the renewal of the Frankpledge, have been already explained. It may be added, however,

Frankpledge directed to be renewed by this Assize (Part I., p. 210).

that the declaration, that not even the honour of *Warene* was to be exempted, does not seem to have any peculiar relation to the privilege of that Franchise. *Warene* was inserted by way of example, just as the honour of *Boulogne* is noticed in a similar manner in *Magna Charta*; and this circumstance is not entirely unworthy of attention, inasmuch as it shews how readily the Clerks of the Chancery availed themselves of any established precedent of language.

Part II.

The clauses concerning the construction of the gaol^a may require explanation. Such a place of confinement was neither more nor less than a great wooden cage, in which the miserable wretches were incarcerated until their deliverance—not hung out upon the topmost tower of the castle, but inclosed in a strong chamber, or, perhaps, fixed in a gloomy vault, like those which subsisted till the Revolution, in the Mount St. Michael. Of this description, but affording as much comfort as the residence would admit, was the well known cage in which the Countess of Buchan passed her dreary days of confinement. And it is rather singular that, considering how clearly the plan and structure of her “cage” can be collected from the writ of Edward I., it should ever have been imagined that she was exposed to public scorn on the battlements of Berwick tower^b.

Clauses directing the construction of “gaols” i.e. wooden cages, for the confinement of offenders. Similar to the celebrated cage in which the Countess of Buchan was kept by the order of Edward I.

^a The etymology of the word is sufficiently clear. *Cavea*, or *caveola*, is the root. Hence, in Romance Latin, *gabia* and *gabeola*—*gajola*, *gaiolle*, *gaole*—all in use in the *Langue d’Oil* Dialects.—(Roquefort, I. p. 665.)

^b Ordenez est et mandez par lettres du privé seal, au Chaumberlein d’Escosse, ou a son Lieutenant, a Berewick sur Twede, que *en une des turelles dedanz le chastel*, de meisme le leu, en lieu que il veist que a ce feust plus covenable, feist faire une kage de fort latiz, de fuist, et barrez et bien efforcez de ferrement (of stout lattice work of timber, barred and strengthened with iron) en la quele il feist mettre la Contesse de Buchan.—*Fœdera*, I. p. 995.

[It is decreed and ordered by letters under the privy seal sent to the Chamberlain of Scotland, or his Lieutenant at Berwick-on-Tweed, that, *in one of the turrets within the castle* at the same place, in the position which he sees to be most suitable to the purpose, he cause to be made a cage “of stout lattice work of timber, barred and strengthened with iron,” in which he is to put the Countess of Buchan. (*Rymer, Fœdera*, I. p. 995.)]

Part II.

Clause for the extirpation
of the heresy of the
"Publicans."

The renegades, against whom the prohibition (sec. 21) is directed, are the Publicans, as they were called, who, about the year 1165, were delivered to the secular arm, pursuant to the decree of the Ecclesiastical Council of Oxford^a. The historians state that these unhappy wretches perished in consequence of the severities which they experienced; but this prohibition shews that they escaped; or, that if the punishment killed the Heretic, it only scotched the heresy.

A clause in the oath of the Sheriffs of more modern periods, bound them to "destroy and make to cease all manner of heresies and errors commonly called Lollardies," and it is supposed to have been inserted pursuant to the Statutes 5 Rich. II. st. 5. c. 5 and 2 Hen. IV. c. 15. But these enactments seem rather to have adapted an old precedent to existing circumstances^b.

The Assize of Northampton, before quoted, was enacted in 1176, and, in the interval between that year and 1165, we probably find the era of the present Assize,¹ which, if not the very Assize of Clarendon noticed by Benedictus Abbas, is yet an enactment agreeing with it in all those points, which render the reign of Henry II. the most important of the transition periods of the English Law.

By the same instrument it is ordered, that Mary, sister of Robert Bruce, shall be caged in the like manner, in the castle of Roxburgh. But this uncomfortable mode of confinement was but too common. In 33 Edw. I. (Rot. Claus. m. 3) the Constable of Bristol castle is commanded to provide "*quandam cageam ligneam, ferro ligatam*," fit for the accommodation of an unlucky Cambro-Briton, Owen ap David ap Griffith, who had incurred the King's displeasure. A prisoner in those days might be termed a gaol-bird, in sober sadness, and without a metaphor.

^a Guil. Neub. lib. ii. c. 13.

^b In consequence of the scruples felt by "Sir Edward Coke, late Chief Justice of the Common Pleas, and afterwards of the King's Bench, but removed from his place, and made Sheriff of the County of Buckingham,"—(Cro. Car. 26)—this clause was expunged. His objections were well grounded; but neither the learned Sir Edward Coke, the Attorney-General, nor the learned Sir Edward Coke, the Chief Justice, could suspect the illegality, which became so forcibly apparent to the conscientious Sir Edward Coke, when out of office, and in opposition.

Hæc est assisa facta apud *Clarendune*, quam Dominus Rex **Part II.**

HENRICUS, consilio Archiepiscoporum et Episcoporum et Abbatum, cæterorumque Baronum suorum, statuit, pro pace servanda et justitia tenenda.

Assize, enacted by the King by the advice of his Archbishops, Bishops, Abbots, and other his Barons, the Prelates here acting in their temporal capacity (Part I., pp. 210—212).

(1.) Quòd per singulos comitatus inquirent et per singulos hundredos, per duodecim legaliores homines de hundredo, et per quatuor legales homines de qualibet villata, per sacramentum quod illi verum dicent, si in hundredo vel in villata sua, sit aliquis homo qui sit rectatus vel publicatus, quod ipse sit roberator vel murdrator, vel latro, vel aliquis qui fuerit receptor roberatorum vel murdratorum vel latronum, postquam Dominus Rex fuit Rex. Et hæc inquirentur justiciarii coram se, et vicecomites coram se^a.

(1.) Inquiry to be made by the twelve most lawful men of the Hundred, and the four men of the Townships. Such Inquests to be taken both by the Justices and the Sheriffs. Verdict. Matters to be presented.

[This is the Assize held at *Clarendon*, which the Lord KING HENRY enacted by the advice of his Archbishops, Bishops, Abbots and other his Barons, for the preservation of peace and maintenance of justice.

(1.) That inquiry be made throughout each several county and throughout each several hundred, by the twelve most lawful men of the hundred and by four lawful men of each township, upon oath that they will speak the truth, if, in their hundred or their township, there be any man who has been accused or has been published, as being a robber or a murderer or a thief or anyone who has been a harbourer of robbers, murderers or thieves, since our Lord King became King. And let the justices make inquiry before themselves and the sheriffs before themselves about these matters.

^a Benedictus Abbas seems to consider the Assize which he has preserved in his life of Henry II. (p. 131)¹ as the text of the law. But the document, which he gives, wants the formal introduction or enacting part; and instead of being the actual Assize, either of *Clarendon* or of *Northampton*, it seems to be formed by uniting both texts. As the acts of the ancient legislature were often repeated, we cannot be assured that *this* is the Assize to which he specifically alludes.

Hæ sunt Assisæ factæ apud *Clarendune*, et postea recordatæ apud *Northamptoniam*.

Si quis retatus fuerit coram justiciariis Domini Regis de murthero vel latrocinio, vel roberia, vel receptatione hominum talia facientium vel de falsoneria, vel iniqua combustione, per sacramentum duodecim militum de hundredo, et si milites non adfuerint, per sacramentum duodecim liberorum legalium

Part II.

(2.) Any person thus indicted, to undergo the water ordeal.

(3.) But upon the application of his Lord, or of his Lord's Steward, he may be admitted to bail until he shall undergo the ordeal.

(4.) Sheriffs to inform the Justices (if the latter are not speedily expected in the County) of such Persons as they shall have

(2.) Et qui invenietur per sacramentum prædictorum retatus vel publicatus de prædictis, eat ad juisam aquæ, et juret quod ipse non fuit roberator, vel murdrator, vel latro, vel receptor eorum, postquam Dominus Rex fuit Rex, de valentia quinque solidorum, quod ipse sciat.

(3.) Et si dominus ejus qui captus fuerit, vel dapifer ejus, requisierint eum per plegios, infra tres dies postquam captus fuerit, replegiatur ille donec faciat legem suam.

(4.) Et quando roberatores vel murdratores, vel latrones vel receptores eorum capti fuerint per prædictum sacramentum; si justiciarii non fuerint tam cito venturi in illum

(2.) And if any person be found accused or published pursuant to the oath aforesaid of the charges aforesaid, let him undergo the water ordeal, and let him swear that he himself was not a robber or murderer or a thief or a harbourer of them, since our Lord King became King, of anything to the value of five shillings to his knowledge.

(3.) And if the lord of the man, who has been arrested, or his steward shall demand him by pledges within three days of his arrest, he shall be replevied until he shall do his law.

(4.) And when any robbers or murderers or thieves or harbourers of such are arrested pursuant to the aforesaid oath, if the justices are not expected to come shortly

hominum, et per sacramentum quatuor hominum de unaquaque villa hundredi, eat ad judicium aquæ, et si perierit, alterum pedem amittat. Et apud Northamptoniam additum est pro rigore justiciæ quod dexterum similiter pugnum cum pede amittat, et infra quadraginta dies a regno exulet.

[These are the Assizes held at Clarendon and afterwards recorded at Northampton.

If any man is accused before the Lord King's justices of murder or larceny or robbery or of harbouring men who commit such deeds or forgery or arson, on the oath of twelve knights of the hundred, or if there are no knights present, on the oath of twelve free and lawful men, and on the oath of four men from each of the townships of the hundred, let him go to the ordeal of water, and if he fail, let him be deprived of one of his feet. And at Northampton a further penalty was added to enhance the rigour of the law, viz., that such a person should be deprived of his right fist as well as his foot, and should leave the realm within forty days.]

comitatum ubi capti fuerint, vicecomites mandent propinquiiori justiciæ per intelligentem hominem, quod tales homines ceperint. Et justiciarii remandebunt vicecomitibus, ubi voluerint quod illi ducantur ante eos. Et vicecomes eos ducat ante justiciarios; et illic ducantur de hundredo et villata ubi capti fuerint, duo legales homines ad recordandum recordationem hundredi et comitatus, quare capti fuerunt. Et ibi ante justicias faciant legem suam.

(5.) Et de illis qui capti fuerint per prædictum sacramentum, nullus habebit curiam vel justiciam nec catalla, nisi Dominus Rex in curiâ suâ, coram justiciariis ejus. Et Dominus Rex habebit omnia catalla eorum.

(6.) De illis qui capti fuerint aliter quam per prædictum sacramentum, sit sicut esse debet. Et vicecomites qui eos ceperint, eos ducant ante justiciarios sine alia summonitione quam inde habebunt. Et omnes roberatores et murdratores, et latrones et receptores eorum, per hoc sacramentum vel aliter tradantur vicecomitibus, et ipsi recipiant eos, statim et sine dilatione.

to that county, in which the arrests have been made, the sheriffs shall inform the nearest justice by means of some man having knowledge thereof that they have arrested such men. And the justices shall in turn inform the sheriffs where they will that the men be brought before them; and the sheriff shall bring them before the justices. And there shall be brought there two lawful men from the hundred or township, in which they were arrested, to bear the record of the hundred and county as to why they were arrested. And there before the justices they shall do their law.

(5.) And concerning those who have been arrested pursuant to the oath aforesaid, no man shall have his court or justice or their chattels, except the Lord King in his own court, before his justices. And the Lord King shall have all their chattels.

(6.) But in the case of those who shall have been arrested otherwise than pursuant to the oath aforesaid, it shall be as it ought to be. And the sheriffs who have arrested them shall bring them before the justices without other summons than that which they have had thereon. And all robbers and murderers and thieves and harbourers of such, whether pursuant to this oath or not, shall be handed over to the sheriffs and the sheriffs shall take them into custody immediately and without delay.

Part II.

arrested pursuant to the Presentments, in order to take their directions as to the place where the Prisoners shall be sent for Trial. Two good men of the Hundred, or the Township, to appear before the Justices, to "record," i.e. to testify, the presentment, *vivâ voce*.

(5.) Offenders taken pursuant to the presentments, to be tried only by the King's Justices, and not by any inferior Court. All their chattels to be forfeited to the King.

(6.) Robbers, &c. apprehended by presentment, or in any other manner, to be delivered to the custody of the Sheriff, and brought by the Sheriff before the Justices, without any special summons.

Part II.

(7.) Gaols, or cages, to be built with the King's timber, if any of his forests shall be near the castle or town in which they are to be constructed, otherwise from the nearest wood (being private property).

(8.) No person to be excused from making the oath (i.e. serving on the juries).

(9.) Sheriffs empowered to enter all Franchises for the purpose of seeing that the Frankpledge is duly kept.

(10.) Frankpledge to be held before the Sheriff. No lord, landholder, or householder, to allow any persons to remain in his soke, land, or dwelling, more than one night, unless they be in Frankpledge, or unless he will be their pledge for their appearance.

(7.) Et in singulis comitatibus in quibus non fuerint gaiolæ, fiant in burgo vel in aliquo castello Domini Regis, et de bosco ejus si prope fuerit, vel de alio bosco propinquiori per visum servientium Regis ad hoc, ut vicecomites in illis possint illos, qui capti fuerint, per ministros et servientes suos custodire.

(8.) Vult etiam Dominus Rex quod omnes veniant ad comitatum ad hoc sacramentum faciendum; ita quod nullus remaneat pro libertate, quam habeat, vel curia vel soca, quam habeat, quod non veniat ad sacramentum faciendum.

(9.) Et non sit aliquis in castellum vel extra castellum, nec etiam in honore de *Warengia*, qui vetet vicecomites intrare in curiam suam et terram, ad videndum francos plegios, quod omnes sint sub plegio.

(10.) Et ante vicecomitibus mittantur sub libero plegio: et in comitatu et in burgo nullus habeat homines nec receptet in terrâ suâ, vel in domo suâ, vel in socâ suâ, quos non in manu capiat, quod habebit eos ante justiciarios si requisiti fuerint, vel sint sub franco plegio.

(7.) And in every county, in which there are no gaols, let such be built in a borough or in some castle of the Lord King, of his own timber if it be near at hand, or of any other timber nearer at hand and by the view of the King's servants, so that the sheriffs may be able to keep therein by their ministers and their servants, those who have been arrested.

(8.) It is also the will of the Lord King that every man should come to the county court to make this oath: so that no one in consequence of any liberty he may possess, or any court or soke which he may possess, shall omit to come to take this oath.

(9.) And there shall not be any one, whether in a castle or outside a castle, not even in the honour of Wallingford, who shall forbid the sheriffs from entering his court or his land, for the view of the frankpledge, because all men should be under pledges.

(10.) And they shall be sent before the sheriffs under frankpledge. Both in counties and boroughs, no one shall entertain or receive men on his land or in his house or in his soke, whom he does not on his own responsibility undertake to produce before the justices should they be required, or unless such men be in frankpledge.

(11.) Et nulli sint in civitate nec in burgo, nec in castello, vel extra castellum, nec in honore *Warengie*, qui vetent vicecomites intrare in terram suam vel socam, ad capiendos illos qui retati sunt vel publicati quod sint roberatores, vel murdratores, vel latrones, vel receptatores eorum, vel uthlagati vel retati de foresta Regis: sed præceptum est quod juvent eos ad illos capiendos.

(12.) Et si aliquis fuerit captus qui fuerit saisitus de roberia vel latrocinio, si ipse sit defamatus et habet malum testimonium de publicamento, et non habet warrantum, non habeat legem.

(13.) Et si non fuerit publicatus per saisinam quam habeat, eat ad aquam. Et si aliquis fuerit recognoscens coram legalibus hominibus de hundredo, de roberia vel muredredo vel latrocinio vel receptione eorum, et postea negare voluerit, non habeat legem.

(14.) Vult etiam Dominus Rex quod illi qui facient suam legem, et mundi erunt per legem, si ipsi fuerint de testimonio pessimo, et publice et turpiter defamati, multorum testimonio et legalium hominum, foris jurent terram

Part II.

(11.) Sheriff to enter all Franchises for the purpose of arresting persons within the scope of the Assize.

(12.) Persons, in whose possession stolen goods are found, if defamed, or not having the warranty [of their lord], not to be allowed to undergo the ordeal.

(13.) Persons making confession before the Hundred, &c. not to be allowed to withdraw such confession, nor to be allowed the ordeal.

(14.) Offenders cleared by the ordeal, if of very bad testimony (i.e. if their lords refuse to give it) or otherwise defamed, to abjure the kingdom.

(11.) And there shall be no man in a city or borough nor in a castle or outside a castle, nor in the honour of *Wallingford*, who shall forbid the sheriffs from entering their land or soke, for the purpose of arresting those who have been accused and published as being robbers, murderers or thieves, or as harbourers thereof, or outlaws, or those accused with regard to the King's forest: but it is ordered that they shall help them to arrest such persons.

(12.) And if anyone shall be arrested who is in possession of goods obtained by robbery or theft, if he is notorious and public testimony about him is bad and he has not a warranty, he shall not have his law.

(13.) And if he be not notorious by the possession of such goods, he shall undergo the water ordeal. If anyone shall confess before the lawful men of the hundred that he has committed robbery, or murder, or theft, or has harboured the doers of such deeds, and subsequently wishes to deny his guilt, he shall not have his law.

(14.) It is also the will of the Lord King that those who undergo an ordeal and are cleared by the law, if they are of very bad testimony and are defamed publicly and regarded as disgraceful persons on the witness of many lawful men, let them

Part II. Regis; ita quod infra octo dies mare transibunt, nisi aura eos detinuerit, et cum primâ aurâ quam habebunt mare transibunt, et ultra in Angliam non revertentur, nisi per misericordiam Regis: et ibi sint uthlagati. Et si redierint, capiantur sicut uthlagati^a.

(15.) No stranger to be harboured anywhere except in a borough, and there, not more than one night, unless detained by illness or accident happening to himself or his horse.

(15.) Prohibet etiam Dominus Rex ne aliquis waivatus vel ignotus hospitetur alicubi, nisi in burgo, et ibi, non nisi una nocte; nisi ipse ibi infirmetur vel equus ejus, ita quod monstrare possit rationabile causam.

(16.) If he prolong his stay, he is to be imprisoned until his lord shall re-pledge him.

(16.) Et si hospitetur plusquam una nocte, capiatur donec dominus ejus venerit ad plegiandum eum, vel ipse

abjure the King's land; in such a way that within eight days they shall cross the sea unless they are detained by the wind, and with the first favourable breeze they have, they shall cross the sea and shall not return again to England except by the mercy of the King: and let them be outlawed in England. And if they shall return they shall be arrested as outlaws.

(15.) The Lord King also prohibits any wanderer or unknown person being lodged anywhere except in a borough, and there only for one night, unless he or his horse be detained there by illness, in such a way that he can shew a due cause for so staying.

(16.) If he lodge there more than one night, he shall be imprisoned until his lord shall come and pledge him or he himself

^a Et si ad aquam mundus fuerit, inveniatur plegios, et remaneat in regno, nisi retatus fuerit de murthero, vel alia turpi feloniam, per commune comitatus, et legalium militum patriæ: de quo, si prædicto modo rectatus fuerit, quamvis ad aquam salvus fuerit, nihilominus infra quadraginta dies a regno exeat.—Ben. Abbas, ut supra.

[If anyone be cleared by the water ordeal, he shall find pledges and remain in the realm, unless he has been accused of murder or any other vile felony, by the county and of the lawful knights of the neighbourhood; wherefore if he has been accused in the manner mentioned above, even though he has cleared himself by the water ordeal, nevertheless let him depart from the Kingdom within forty days. (Abbot Benedict.)]

For "octo dies," in the text, we should probably read "quadraginta."

habeat salvos plegios, et ipse similiter capiatur qui eum **Part II.**
hospitatus fuerit.

(17.) Et si aliquis vicecomes mandaverit alii vicecomiti, quod homines fugerint de vicecomitatu suo in alium comitatum, pro roberia vel pro murthero vel latrocinio, vel receptione eorum * * vel pro uthlagaria vel pro retto forestæ Regis, ille capiat illos; et etiam si per se vel per alios sciret quod tales homines fugerint in suum comitatum, capiat eos, et custodiat donec de eis habeat salvos plegios.

(17.) Any Sheriff who shall receive information from any other Sheriff, that offenders have escaped into his bailiwick, is to arrest such offenders; and he is to act in like manner, if he shall become aware of such offenders, either from his own knowledge, or the information given by others.

(18.) Et omnes vicecomites facient inbreviare omnes fugitivos qui fugerint de suis comitatibus, et hoc faciant coram comitatu, et illorum nomina scripta portant ante justiciarios, cum primo venerint ad illos: ut illi per totam Angliam querantur, et eorum catalla capiantur ad opus Regis.

(18.) Sheriffs also to return the names of such fugitives to the justices, in order that they may be arrested in any part of England where they are to be found.

(19.) Et Dominus Rex vult ex quo vicecomites susceperint summonitiones justiciariorum itinerantium, ut ipsi cum comitatibus suis sint ante illos. Illi aggregabunt comitatus suos, et inquirent omnes qui de novo venerint in suos comitatus post hanc assisam, et illos mittent per

(19.) Sheriffs to make inquiry by the suitors of their County Courts concerning all who have entered the County since the enactment of the Assize, and who are to be attached to appear before the justices.

offer sure pledges; and he who harboured him shall be likewise imprisoned.

(17.) If any sheriff shall give information to any other sheriff, that men have escaped from his bailiwick into another county when under a charge of robbery, or murder, or theft, or of harbouring such men, or of outlawry or in consequence of an accusation with regard to the King's forest, he shall arrest them; and even if he know of himself or through others that such men have fled into his county, he shall arrest them and keep them in custody until he obtains sure pledges for them.

(18.) All sheriffs shall register all fugitives who have fled from their counties, and this they shall do in the presence of the county court; and they are to convey their names in writing before the justices when they first come to them, so that the fugitives may be sought for throughout England, and their chattels seized to the King's use.

(19.) It is the will of the Lord King that the sheriffs after they have received the summons of the justices in eyre to be before them with the suitors of their county courts, shall call together the suitors of their county courts and make inquiry concerning all who have come newly into their counties since

Part II. plegios quod sint coram justiciariis, vel illos custodient donec justiciarii ad illos venerint, et tunc habebunt illos coram justiciariis.

(20.) Persons belonging to the lower orders not to be allowed to enter into religion without due testimony as to character.

(20.) Prohibet etiam Dominus Rex ne monachi, vel canonici vel aliqua domus religionis recipiant aliquem de minuto populo in monachum vel canonicum vel fratrem, donec sciatur de quali testimonio ipse fuerit, nisi ipse infirmus fuerit ad mortem.

(21.) No one throughout England to harbour any follower of the Publicans or Renegades, who were excommunicated and branded at Oxford, and all Sheriffs to be sworn to the observance of this prohibition; and they are to administer a like oath to all their Bailiffs and Stewards, and to all the Barons, Knights, and Freeholders of the Shire.

(21.) Prohibet Dominus Rex ne aliquis in totâ Angliâ receptet in terrâ suâ vel soca sua vel domo sub se, aliquem de secta illorum renegatorum qui fuerunt excommunicati et signati apud Oxeneford. Et si quis eos receperit, sit in misericordia Domini Regis; et domus ubi illi fuerint, asportetur extra villam et comburatur. Et hoc jurabit unusquisque vicecomes quod hoc tenebit, et hoc jurare faciet omnes ministros suos, et dapiferos et barones et omnes milites et franco tenentes de comitatu.

(22.) Assize to be kept throughout England, so long as the King shall please.

(22.) Et vult Dominus Rex quod hæc assisa teneatur in regno suo, quamdiu ei placuerit^a.

this assize, and bind them by pledges to appear before the justices, or keep them in custody until the justices come to them, and then bring them before the justices.

(20.) The Lord King also forbids any monks, canons or any religious house to receive any person of the lower orders of the people as a monk, canon or brother, until it be known of what repute he be, unless he be sick unto death.

(21.) The Lord King forbids every one throughout the whole of England to harbour on his land or his soke or in the house under his care, any of the sect of those renegades who were excommunicated and branded at Oxford. And if anyone harbour them, he shall be in the Lord King's mercy; and the house in which they were harboured, shall be transported outside the township and burnt. And every sheriff shall swear that he will observe this prohibition and shall also cause all his ministers to take this oath, and his stewards and barons and all knights and free-holders of the shire.

(22.) And it is the King's wish that this assize be kept throughout his kingdom, so long as he shall please.]

^a Bib. Reg. 14. C. ii.

FITZ-AILWYNE'S ASSIZE.

THIS Building Act, which affords much curious illustration, not only concerning the jurisprudence, but the domestic architecture of London, appears to have been required in consequence of the new mode of construction introduced subsequently to the disastrous fire, which, in the first year of the reign of Stephen, ravaged great part of the city. About that period all the houses were of wood, and thatched, and probably of slight construction. The assize of Henry II. (sec. 21) directs that the house of the individual who harbours a heretic shall be *carried out of the town and burnt*—which at least was more merciful than burning the owner. From this regulation, as well as from other passages in records and historians, we can ascertain that the log-houses, in which the middling and lower orders then dwelt, were very mean and small. A better mode of building was probably introduced by the Normans; but the houses of the burgesses and sokemen in general continued to be “getimbered,” as in the Saxon age. After the fire, however, the more durable mode of building, noticed in the Assize, was adopted in London. Stone and tile were employed: a similar improvement seems to have taken place in the other great cities. And if the “Jew’s House” at Lincoln^a is a specimen of the ordinary street architecture of Henry II., it had then attained no inconsiderable degree of splendour.

The main object of Fitz-Ailwyne’s Assize is to facilitate the decision of vicinal disputes, by providing an expeditious, and at the same time an impartial, tribunal. It was therefore enacted that twelve Aldermen should be elected and sworn “in full husting,” by whose verdict, or by the verdict of the majority, all such contentions were to be decided. Much of their business arose out of the regulations

Assize enacted under Henry Fitz-Ailwyne, first Lord Mayor of London (see Part I., p. 211).

^a This very singular relic has recently been miserably deformed by the introduction of a smart shop-front, surmounted by a sash-window. It may be doubtful whether even the rights of private property ought to allow the owner to deface or destroy any historical monument. But at all events, where opulent corporations exist, they would exercise a sound and praiseworthy application of their funds in the purchase of such structures, and thus their ruin might be averted.

Part II. concerning party fence walls. These were to be not less than three feet in thickness. If built by the mutual consent of neighbours, each man ceded eighteen inches of his own ground. But if one wished to make this improvement, and the neighbour refused, then the first was entitled to build the whole of the wall upon the ground of his neighbour, though without depriving him of the property of the soil.

Very minute and special provisions were established or sanctioned by the bye-law concerning the dispositions of the parts and appurtenances of the buildings. They are clear and explicit: but rights of this description have always been a fruitful source of ill-blood and vexation; and unless the ancient citizens were of a much calmer and more placable temper than their descendants, we may be certain that very frequent disputes arose as to the rights and liabilities of the parties.

The remedy pointed out by the Assize was prompt and effectual. If any individual were aggrieved by the encroachment of another, he could restrain the workmen by giving security to the Sheriff, that he would pursue his legal remedy. Upon an appointed day, the twelve sworn Aldermen, together with the Mayor, proceeded to the spot. There they heard the allegations of the plaintiff and defendant, and viewed and inspected the premises; and their decision was final and conclusive. The absence of the defendant did not delay the caption of the assize. If the Jurors gave judgment against the encroachment, and it were not remedied within forty days, the plaintiff then applied to the Mayor. Two or three of the Jurors were nominated by him for the purpose of ascertaining the fact; and if the defendant were found to have been contumacious, he was "in mercy" for his contempt; and the Sheriff forthwith carried the judgment into execution.

Without bestowing any exaggerated praise upon this specimen of civic legislation, Fitz-Ailwyne's Assize might be perused as affording a useful precedent for the same object at the present day. A summary judgment given upon the site, possessing formality enough to secure justice, but not so formal as to occasion expense and delay, may be favourably contrasted with the intricate process to which the plaintiff must now resort, when he seeks his remedy by action according to our modern common law. And all parties

before the Court may, perhaps, regret the time when the Jurors saw the facts with their own eyes, instead of listening to the statements of the counsel, and the evidence given by interested ignorance and stupidity. Part II.

As an example, comparatively recent, of the steps by which the Anglo-Saxon functionaries were converted into the Anglo-Norman inquests, Fitz-Ailwyne's Assize is of great value. The Aldermen, by law required to decide upon oath, became a jury, and in this instance their verdict was of a mixed nature. It had the form of recognition, and the effect of a judgment. They were both Jurors and Judges. Facts were ascertained by them as Jurors, and a judgment given by them as Ealdormen. In London the Assize of Fitz-Ailwyne went out of use. No other similar duty was assigned to the Ealdormen, yet their capacity, as magistrates, continued unimpaired. But, in the open country, the "Judicatores," unprotected by municipal franchises, or, to speak more correctly, having no municipal franchises to protect, were ultimately lost amidst the inquest-men and jurors of the shire.

Terms of Fitz-Ailwyne's Assize indicate the steps by which the Anglo-Saxon Thaners or Echevins, &c. were converted into Jurors.

(Part I., p. 175, &c.)

Incipit ordo qualiter procedendum est, in Assisis de Edificiis, inter vicinos Civitatis *Londoniæ*^a.

Anno Domini millesimo clxxxix, videlicet primo anno regni illustrissimi Regis RICARDI, tunc Majore Londoniæ *Henrico* filio *Elwini*, qui fuit primus Major *Londoniarum*, provisum fuit et ordinatum per discretiores viros civitatis,

Preamble. Assize, or By-law, provided and ordained by the more discreet and better men of the City of London.

[Here begins the order of procedure in the Assizes concerning Buildings between citizens of the City of *London*.

In the year of our Lord 1189, to wit, in the first year of the reign of the most illustrious King RICHARD, when *Henry*, son of *Elwin*, was Mayor of *London*, who was the first Mayor of *London*, it was provided and ordained by the more discreet

^a The Records in the City Archives contain several copies of this Assize.¹ The portions now published are taken from a Manuscript (Bib. Cott. Vespasian D xvi, f. 92), containing much valuable matter relating to the Laws and Customs of the City, extracted from the City Books, with marginal references to the Originals. It appears to have been compiled in the reign of Edward III.

Part II. ad contenciones pacificandas, quæ quandoque oriuntur inter vicinos in civitate, super claustris inter terras eorum factis, vel faciendis, et rebus aliis; ita quod secundum quod tunc provisum et ordinatum fuit, debent tales contenciones pacificari.

Twelve Aldermen to be elected in full husting, and sworn. To appear when summoned by the Mayor.

Dicta vero provisio et ordinatio vocata est assisa; ad quam assisam proseguendam et ad effectum producendam, electi sunt xii. viri *Aldermanni* de civitate, in pleno hustengo et ibidem *jurati*, quod ad illam exequendam fideliter intendant, et ad sumonicionem Majoris veniant, nisi causa rationabili sint impediti.

Benefit of the Assize, to be prayed in full husting.

Necessare est tamen quod major pars prædictorum virorum intersint, cum Majore, ad prædictum negocium exequendum. Sciendum est, quod qui petit assisam, eam debet petere in pleno hustengo. Et Major assignabit ei diem infra octo dies, ita quod per prædictos xii. viros, vel per majorem partem illorum sicut prædictum est, assisa illa terminetur. * * * * *

Buildings, &c. to be stayed as soon as the Assize is prayed. Carpenters,

Si vero domus, murus lapideus, cloaca, stillicidium, vel aliquod aliud edificium in tempore petitionis dictæ assisæ

men of the city, with a view to the peaceful settlement of disputes, which from time to time arise between neighbours in a city, over the fences which have been made, or should be made, between their several lands and other matters; so that such quarrels should be peacefully settled according to the provisions and ordinations which were then made.

Now the said provision and ordinance is called an assize, and for the working of this assize and carrying it into effect, twelve *Aldermen* from the city are elected in full husting, and there *sworn* to faithfully watch over its execution and to come at the summons of the Mayor, unless prevented from so doing by some reasonable cause.

It is however necessary that the majority of the aforesaid men be engaged with the Mayor for the prosecution of the aforesaid business. It must be known, that he who prays for the assize, should do so in full husting. And the Mayor will appoint him a day within eight days, so that the assize may be terminated by the aforesaid twelve men or by the majority of them, as is aforesaid.

If however any house, stone wall, sewer or gutter or any other building is being built at the time of the praying of the aforesaid assize, forthwith, at the suit of him who prayed the

edificatur; statim ad sectam illius petentis defendatur ne amplius edificant. Et si ultra defensionem, carpentarii, latomi ac alii operarii, aut eciam dominus dicti edificii, edificia edificaverint, prisonæ mancipentur. * * *

Si vero hustengum non sedeat, sicut tempore quo sunt nundinæ *Sancti Botulphi* et tempore messium, et tempore quo nundinæ sunt apud *Wyntoniam*, et aliquis habeat necessare ad illam assisam petendam; gratis debet ei concedi a Majore, aliquibus de civibus præsentibus cum Majore, et terminari sicut prædictum est, per prædictos xii viros *juratos* vel per majorem partem illorum et semper in præsentia Majoris. * * *

Sciendum est, quod si aliquis edificet juxta tenementum vicini, et visum sit dicto vicino illum injuste et ad dampnum tenementi sui ibidem edificare, bene potest edificacionem illam impedire, datis vadio et plegio vicecomiti civitatis de prosequendo; et tunc cessabit illa edificacio, quousque per prædictos xii viros vel per majorem partem illorum discussum sit, si injuste vel non fuerit edificatum. Et tunc necessare est ut ille cujus edificacio impeditur, petat assisam. Die autem statuto, et prædictis xii viris summonitis, debet

assize, let it be forbidden to proceed with it. And if, contrary to the prohibition, carpenters, masons and other workmen or even the owner of the aforesaid building, proceed with the building, let them be committed to prison.

If however the court of husting be not sitting, for example when the fair of *Boston* is being held, or in harvest time, or at the time of the fair at *Winchester*, and anyone has any need to pray for that assize, it shall be freely granted by the Mayor, some of the citizens being present with the Mayor, and it shall be determined, as has been said above, by the aforesaid twelve *sworn men*, or by the majority of them, always in the presence of the Mayor.

It should be known that if any man build next the tenement of a neighbour, and it appear to the said neighbour that he is building there wrongfully and to the damage of his tenement, he may properly stay such building by giving the sheriff bail and a pledge to go on with the case; and then the building shall cease until it has been considered by the aforesaid twelve men or by the majority of them, whether such building is wrongful or not. Then he whose building is stopped must pray the assize. Moreover on the appointed day and when the aforesaid twelve

Part II.

masons, &c. proceeding with the work in contempt of the injunction, to be committed to prison.

During such periods as the Court of Husting does not sit—viz. Harvest time, Boston Fair, Winchester Fair,—the Mayor, and a competent number of Citizens empowered to act.

Mode of proceeding in cases of encroachment. The Mayor and sworn Aldermen to proceed to the spot, where they are to settle the matter upon inspection of the premises, and hearing the allegations of the parties.

Part II. Major civitatis cum prædictis viris super tenementum illorum, inter quos assisa petitur, accedere, et ibidem secundum visum xii virorum aut majoris partis illorum, auditis hinc inde querimonia conquerentis et responsione adversarii sui, illud negotium terminare. * * *

Encroachments to be removed within forty days. If not done, two or three of the sworn Aldermen to ascertain the fact, in which case the Defendant is "in mercy." Sheriff to carry judgment into execution, at the expense of the Defendant.

Si autem ille de quo querimonia facta fuerit, fecerit defaltam, nichilominus procedat assisa per considerationem prædictorum xii virorum vel per majorem partem illorum. Et quod per illos judicatum fuerit, debet per vicecomites intimari illi qui fecerit defaltam, ut quod judicatum fuerit infra xl dies proximo sequentes ad effectum perducatur. Et sciendum est quod quociens prædictum judicium infra xl dies non fuerit perfectum, et super hoc querimonia facta fuerit Majori Londoniæ, tunc debent duo viri de assisa, vel tres, per præceptum Majoris ibidem accedere, et si viderint quod ita sit, tunc erit ille contra quem assisa fertur, in misericordia. Et vicecomes proprio custu ipsius, illud judicium statim perducere ad effectum tenetur. * * * *

men have been summoned, the Mayor of the city together with the aforesaid twelve men should repair to the tenements of those between whom the assize is prayed, and there according to the view of the twelve men or the greater part of them, after hearing the complaint of the plaintiff and the reply of his adversary, should determine the matter.

If however he, concerning whom the plaint has been made, makes default, the assize shall nevertheless proceed by the award of the aforesaid twelve men, or the majority of them. And that which is adjudged by them ought to be made known by the sheriff to him who has made default, so that he may perform what has been adjudged within the forty days next following. And be it known that whenever the aforesaid judgment has not been carried into execution within forty days, and a complaint of this has been made to the Mayor of London, then two men of the assize or three, at the bidding of the Mayor, should repair to the spot, and if they see that so it be, then he against whom the assize is brought will be in mercy. And the sheriff is bound to carry that judgment into execution at once at the personal cost of the defendant.]

TRIAL BY JURY.

I HAVE stated the process by which Trial by Jury was gradually established in England. The documents which follow are quoted in my text, and should be perused in illustration. It has been well observed, "that an institution which is so peculiarly characteristic of England, as Trial by Jury, deserves every attention to its origin^a;" and, therefore, the records which illustrate this portion of our legal history, however dry and technical they may be, must always possess great interest in the eyes of every one who is anxious to become acquainted with the real nature of a tribunal praised and prized by every Englishman, and yet the nature of which has been entirely misunderstood, because the evidence has been cast aside. The records of these earlier ages are always clear narratives of the facts. They are strictly reports of the proceedings, and not, like the pleadings of the present age, a creation of the lawyer, put into a shape which bears no semblance to the history of the case which it includes.

(See Part I., Chap. viii.)

Its details.

Upon the character originally possessed by the Traverse-Jurors, as witnesses, and as witnesses only, the course of our ancient common law mainly depends. The merits and defects of the system are chiefly to be attributed to this peculiar source. And, from the means which were adopted to administer justice, when such a mode of trial could not be fairly obtained, and when the *witnesses* summoned and impanelled by the Sheriff became incompetent to afford a fair trial, arose that "equitable jurisdiction," which maintained so long and angry a conflict with the "common law," the effects whereof may yet be discerned in the forms and maxims of our jurisprudence.

Great importance of viewing Trial by Jury in its proper light—viz. as a trial by *witnesses*.

Whilst the ordeal subsisted, the Presentment was the testimony of those, who, guided either by circumstantial evidence which had become known to them, or by their actual knowledge of the facts, declared their strong and vehement *suspicion* of the guilt of the Party (9); or their absolute *conviction*, that he had committed the crime (12, 13, &c.) In such a case, a verdict so given would now be followed by sentence; and, therefore, as I have before

Recapitulation of facts established by the Records.

(Part I., p. 191.)

^a Hallam's Middle Ages, ch. viii. p. 1.

(Part I., p. 190.)

Part II. observed, the ordeal was, in fact, only a mode of giving to the Culprit a last chance of escaping the punishment of the law. The same testimony of the Jurors supported the assertion of the Appellant, who was at once a Prosecutor and a Witness for the prosecution: but it could also discharge or annul the Accusation which he preferred.

Originally conceded as a special favour (17, 18), and purchased by a fine, or other gift or payment to the King, the Traverse, or Petty Jury, was merely considered as a species of proof, more or less conclusive, according to the circumstances under which it was afforded. Concerning those facts only, which the Jurors could be supposed to know from their own sight and hearing, was their testimony received. So that in case of death by poison, there could be no trial by the Country. The murder was a fact, which could not be known to the Country; and which consequently could not be testified by the Country. The Parties were, therefore, driven to the Duel, being the only ordeal which remained after the abolition of the Fire and Water ordeal^a. When the Jurors gave a verdict, the Judge was required, if he doubted their testimony, to take them apart from each other, and to sift and examine the evidence thus obtained^b. Full and cogent proof, by witnesses, ousted the Culprit of his trial by Inquest (21). When such evidence was given as entirely concurred with the knowledge of the Grand Jury and of the Men of the Townships, it appeared entirely unnecessary to indulge the Culprit with any further inquiry. But the positive testimony of the Inquest was not always to be received to its fullest extent. It could not prevail so entirely against circumstances which the law considered as the surmise of guilt, as to restore the credit of the supposed offender (22). Though rebutted by opinion, the visible facts still spoke against him. And even the suspicions entertained by a Township, whose representatives were rejected from the array (20), were sufficient to prevent the unconditional discharge of the Offender, whom the other Townships had absolved.

^a Bracton, de Corona, c. 19.

^b Ib. c. 22.

(1.)

Willielmus, Rex Angliæ, *Lanfranco* Archiepiscopo et *Rogero* Comiti *Moritonii* et *Gaufrido Constantiensi* Episcopo, salutem. Mando vobis et præcipio, ut iterum faciatis congregari omnes scyras quæ interfuerunt placito habito de terris ecclesiæ de Ely, antequam mea conjux in Normanniam novissime veniret.

Writ or Charter of the Conqueror, directing the restitution of the Lands of the Church of Ely.

Cum quibus etiam sint de Baronibus meis qui competenter adesse poterint, et prædicto placito interfuerunt, et qui terras ejusdem ecclesiæ tenent. Quibus in unum congregatis, eligantur plures de illis Anglis qui sciunt quomodo terræ jacebant præfatae ecclesiæ die quâ Rex *Edwardus* obiit, et quod inde dixerint ibidem, *jurando testentur*. Quo facto, restituantur ecclesiæ terræ quæ in dominio suo erant die obitûs *Edwardi*, exceptis hiis quas homines clamabant me sibi dedisse; illas vero litteris mihi significate, quæ sint, et qui eas tenent. Qui autem tenent *Theinlandes*, quæ proculdubio sunt et debent teneri de ecclesia, faciant concordiam cum abbate quam meliorem poterint; et si noluerint, terræ remaneant ad ecclesiam. Hoc quoque de tenentibus socam et sacam fit. Denique præcipite ut illi homines faciant pontem de Ely, qui meo præcepto et dispositione hucusque illum soliti sunt facere. (Mon. I. 478.)

[*William*, King of England, to Archbishop *Lanfranc* and *Roger*, Count of *Mortain*, and *Geoffrey*, Bishop of *Coutances*, greeting. I enjoin and command you to assemble again all the men of the shires which were present at the hearing of the plea concerning the lands of the church of Ely, before my wife last returned to Normandy.

And with them assemble those of my Barons, who can with propriety be present, and those who were present at the hearing of the aforesaid plea, and those who hold lands of the aforesaid church. When these men have been assembled, let several of those Englishmen be chosen who know how the lands belonged to the aforesaid church on the day of the death of King *Edward*, and what they say there of these lands, *let them testify, on oath*. Whereupon let restoration of those lands be made to the church, which were in its possession on the day of King *Edward's* death, with the exception of those which men claim

Part II. as having been given them by me; what these are and who are the holders of them, you will make known to me by letter. Those however who hold Thanelands, which are such beyond all doubt and which ought to be held of the church, must make their peace as best they can with the abbot, and if they will not, let the lands revert to the church. Let this also be done in the case of those who hold soc and sac. Finally give orders that those men repair the bridge of Ely, who heretofore have been wont to do so at my bidding and arrangement. (Mon. I. 478.)]

This instrument exhibits the mode by which the Anglo-Norman practice was ingrafted upon the Anglo-Saxon tribunals. The Shires are assembled before the King's Justices, or Commissioners; the Barons, as well as the Tenants, enfeoffed by the Conqueror, are to assist at the "Placitum" with the Suitors, and from the latter a competent number of Englishmen are selected as Witnesses, an oath is imposed upon them, and judgment is to be given according to their recognition or testimony. In the reign of William Rufus, we find an original writ (2) directing the restoration of lands by the *Judgment* of the Shire, and without prescribing a Jury; but the writ of execution commands the delivery of the property, "as it is testified and sworn," therefore the Sheriff either impanelled the Inquest at his own discretion, or by virtue of some other writ, concurrent with the first commission.

(2.)

Writ of William Rufus.

Rex, *Willielmo de Cahannis*, salutem. Præcipio tibi, ut facias convenire Sciram de Hamtona, et iudicio ejus cognosce si terra de Isham reddidit firmam monachis Sancti Benedicti tempore patris mei, et si ita inventum fuerit, sit in dominio abbatis; si vero teinlanda tunc fuisse invenietur, qui eam tenet de abbate teneat, et recognoscat. Quod si noluerit, eam abbas in dominio habeat, et vide ne clamor inde amplius ad me redeat. Teste Willielmo Episcopo Dunelm.

Rex *Willielmo* vicecomiti, salutem. Mando et præcipio tibi ut Abbatem *Ails*i facias habere *Isham*, sicut ipse dirationavit eam in *Hamtona*, et sicut testimoniata et jurata

fuit, ad opus Sancti Benedicti. Teste R. Bigot. (Brady, Part II. Pref. p. xlix.)

[The King to *William of Cahaignes*, greeting. I command you to cause to assemble the Shiremoot of Northampton, and by its judgment ascertain, whether the land of *Isham* paid rent to the monks of St. Benedict in the time of my father; and if it is so found, let the land be in possession of the abbot; but if the land is found to have been *Thaneland* at that time, let the holder of it hold it as from the abbot, and let him admit his right. If he will not, let the abbot have the land in possession; and see to it that no further complaint be made to me thereon. Witness *William*, Bishop of *Durham*.

The King to *William* the Sheriff, greeting. I enjoin and command you to cause Abbot *Ailsi* to have *Isham*, as he himself proved it to be his in *Norhampton* and as it has been attested and sworn, for the use of Saint Benedict. Witness R. Bigot. (Brady, Pref. p. xlix.)]

(3.)

WILLIELMUS, filius regis, *Willielmo* vicecomiti de *Chent* salutem. Præcipio quod præcipias *Hamonem* filium *Vitali*, et probis vicinis *Santwic*, quos *Hamo* nominabit, ut dicant veritatem de nave abbatis de *Sancto Augustino*: et si navis illa perrexit per mare, die quâ rex novissime mare transivit, tunc præcipio ut modo pergat, quousque Rex in *Angliam* veniat, et interim resaisiatur inde Abbas predictus. Testibus Episcopo *Sarum* et Cancellario apud *Wodestoc*.

Writs issued in the name of William the Atheling, son of Hen. I.

[*WILLIAM*, the King's son, to *William*, sheriff of *Kent*, greeting. I command you that you order *Hamo*, son of *Vital* and the good men of *Sandwich*, whom *Hamo* shall choose, to give their verdict concerning the ship of the abbot of *St. Augustine's*: and if this ship has put out to sea on the day when the King last crossed the sea, I then command that it may proceed now until the King comes to *England* and that in the meanwhile the aforesaid Abbot be reseized thereof. Witness the Bishop of *Salisbury* and the Chancellor at *Woodstock*.]

Part II.

(4.)

WILLIELMUS filius regis, *Willielmo* vicecomiti salutem. Præcipio quod resaisias abbatem de *Sancto, Augustine* de nave sua sicut ego præcepi per meum aliud breve, et sicut recognitum fuit per probos homines comitatûs, quod inde abbas erat saisitus, die quâ rex mare novissime transivit, et in pace teneat, et hoc sine mora, ne inde clamorem amplius audiam. Teste Cancellario apud *Windesor*. (Bib. Cott. Julius D ii, f. 92.)

[WILLIAM, the King's son, to *William*, the sheriff, greeting. I command you that you cause the abbot of *St. Augustine's* to be reseized of his ship, just as I commanded you by my other writ, and as it was found by the good men of the county, namely that the abbot was in seisin thereof, on the day when the King last crossed the sea, and that he hold the same in peace, and that you do this without delay, that I may hear no more complaint thereof. Witness the Chancellor at *Windsor*. (Cotton MS. Julius D ii, f. 92.)]

These writs relate to the right possessed by the Abbots of *St. Augustine*, grounded upon various Anglo-Saxon charters, of freeing one vessel from all tolls in the Port of London. It is clear that the "probi vicini" of Sandwich, mentioned in the first writ (3) are the "probi homines" of the second (4). At this era it will be seen that the same process which impanelled the Jury, also contained directions to place the Claimant in possession of the right which he demanded.

(5.)

DE FORO ABBINDONLÆ.

In primo tempore adventûs Abbatis *Walkelini* ad hanc ecclesiam, adierunt Regem Henricum *Walingefordenses* cum his de *Oxeneford*, de foro *Abbondonensi* ei suggerentes, quod aliter esset, quam esse deberet, vel Henrici regis, avi sui,

[CONCERNING THE MARKET-PLACE OF ABINGDON.]

Soon after Abbot *Walkelinus* came to this church, the men of *Wallingford* and those of *Oxford* approached King Henry suggesting to him, that the market of *Abingdon* was otherwise than it ought to be, and than it was in the time of King Henry, his grandfather. They then strove eagerly with many

How the men of Wallingford impeached the Abbot of Abingdon concerning his rights of market.
The men of Wallingford

tempore fuit. Multa postea verborum dolositate et fallaciis insistebant, ut regis assensum de foro defendendo adquirent. Quibus cum rex credendum putaret, præcepit quidem interim mercatum defendi, præter parva venalia quæ ibi vendi solebant, quousque ipse de transmarinis partibus, ad quas tunc properabat, reverteretur, et super hoc causam subtilius examinaret. Illi vero, acceptâ potestate, a fori defensione donec Rex transfretaret abstinuerunt; sed postea quasi libero utentes malitiæ suæ impetu, assumpto secum regis constabulario de *Walingeford*, ad *Abendonam* advenerunt, ex Regis verbo, omnes qui venalia sua illuc detulerant abire præcipientes, rusticisque vim inferentes. *Abendonenses* autem fori sui defensionem graviter ferentes, assumptâ, nescio unde, audaciâ, omnes quos invenerant adversarios, cum dedecore a villa longius abegerunt. Quâ repulsione amplius adversarii ad malum instigati, Regis in patriam adventum non expectantes, ad eum ubi erat venerunt, et qualiter eis non sine injuria Regis evenerit, multa superaddentes vana, retexerunt. Importunitati

Part II.

and Oxford appear before Henry II. and allege, that the market of Abingdon is held otherwise than it had been in the time of Henry I. and contrary to law: and the King, giving credit to such allegations, enjoins the Monks not to hold such markets, except for small articles, until his return from parts beyond the seas.

By pretence of which injunction, the Plaintiffs endeavour, with the help of the Constable of the castle of Wallingford, to abate the market altogether, but the men of Abingdon drive them away by main force.

crafty and deceitful words to obtain the King's consent to the prohibition of this market. When therefore the King thought that their allegations were worthy of credence, he enjoined that in the meanwhile the market should be prohibited except in the case of such small articles as were wont to be sold there, until he himself should return from parts beyond the sea, to which he was at that time hastening, and until he could make a closer examination of this matter. They therefore, on receipt of this power, refrained from any prohibition of the market, until the King crossed the sea; but when he had sailed, as it were giving free rein to their malice, they came to *Abingdon*, bringing with them the King's Constable of *Wallingford*, and under cover of the King's injunction, ordered all those, who had brought their goods for sale, to depart, and using force against the rustics. But the men of *Abingdon* taking the prohibition of their market ill, plucking up courage, inspired I know not how, drove all those who were found opposed to the market, in disgrace far from the town. After this repulse the plaintiffs, still further spurred on to mischief, did not await the arrival of the King but sought him in the place where he was staying, and related to him, what not without injury to the King had happened to them, and making several other groundless suggestions. Wishing to satisfy their importunate demands with justice and equity, he gave them

Part II. quorum cum legis equitate satisfacere volens, quodam eis brevi tradito, repatriare permisit; revertentes vero et prorsus fori *Abendonensis* eversionem in litteris contineri putantes, ad Justiciam Angliæ, *Robertum* videlicet comitem *Legecestricæ*, pervenerunt; lectum igitur est coram Justitiâ, abbate *Walkelino* assistente, breve, hujusmodi habens sensum.

In consequence of this transaction, the Plaintiffs do not await the King's return, but send to him abroad, and obtain his writ, addressed to Robert de Bellomonte, Earl of Leicester, the Justiciar.

King's writ, commanding the Justiciar to convene the County of Berks, and to cause twenty-four Jurors of the time of Hen. I. to be elected, by whose verdict the plea is to be decided.

Henricus Rex Angliæ et Dux *Normanniæ* et *Aquitaniæ* et comes *Andegaviæ*, *Roberto* comiti *Legecestricæ* salutem. Præcipio quod, convocato omni comitatu *Berchescircæ*, viginti quatuor homines de senioribus, qui *Henrici* Regis avi mei tempore fuerunt, eligere facias; qui si jurare poterint quod in diebus ejus plenum mercatum in *Abendona* fuerit, ita sit et nunc. Si vero nec viderunt, nec jurare poterint, ut rectum est, prohibeatur ne amplius inde clamorem audiam.

Quo perlecto, confusi sunt a spe sua quam portaverant, utpote de veritate sibi consci, præcipiente tamen Comite, *Adam* vicecomes, comitatum plenum apud *Ferneburgam* congregans, homines qui secundum regis præceptum jurare

a certain writ and permitted them to go home again. They therefore returned, and thinking that the complete suppression of the market of *Abingdon* was contained in the letter, went with it to the Justiciar of England, to wit *Robert*, Earl of *Leicester*. The writ therefore was read before the Justiciar, the abbot *Walkelinus* also being present, and was to the following effect.

"*Henry*, King of England, Duke of *Normandy* and *Aquitaine*, and Earl of *Anjou*, to *Robert*, Earl of *Leicester*, greeting. I command you to convene the whole county of *Berkshire* and to cause to be chosen twenty-four of the older men, who lived in the days of my grandfather King *Henry*; and if they are able to swear that in his time there was a full market at *Abingdon*, so let it be also now. But if they have not seen this and cannot swear to it, let the market be prohibited, as is right, so that I may hear no more complaint thereof."

When this writ had been read through, the plaintiffs were confounded by the failure of the hope which they had entertained; for they were themselves fully aware of the truth of the matter. Nevertheless at the bidding of the Earl, *Adam* the Sheriff convened the full county court at *Farnborough* and there picked and appointed certain men, to testify on

deberent electos constituit; qui cum juramento asseruerunt se rerum omnium venalium mercatum plenissimum inibi vidisse et interfuisse. His ita finem habentibus, et Rege ad regnum proprium revertente, convenerunt ad eum iurgatores prædicti, fingentes juramentum falsum factum fuisse, et, quia quidam eorum qui juraverant de abbazia erant, quod eis utile videbatur et non quod rei veritas docebat protulisse. His verbis Rex aliquantulum commotus, præcepit ut apud *Oxeneford*, iterum *Walingefordenses* et omnis comitatus *Berchesciræ* coram justitiis suis convenirent, et ex utraque parte seniores viri eligerentur, qui secundum quod eis verum videretur, pro foro *Abendonensi* jurarent; ita tamen, ut de abbazia nullus de jurantibus esset, ne suspicarentur aliqua de causa velle perjurare. Quod cum præcepisset Rex, ad *Sarisberiam* profectus est, omnibus justitiis suis ad audiendum relictis.

Congregati sunt igitur, ut rex jusserat, universi; et segregati qui jurarent, diversis opinionibus causam suam confundebant. *Walingefordenses* enim nunquam *Henrici*

Part II.

Verdict accordingly given in the County Court, that the Monks had enjoyed the full right of market.

The Plaintiffs suggest that the verdict was false, upon which the King orders that a fresh inquest shall be taken, selected equally from the men of Wallingford and the men of the County at large.

oath, in accordance with the King's command. And they stated on oath that they had seen and been present at a full market there, in which all things were bought and sold. When the matter was thus brought to an issue and the King returned to his kingdom, the above-mentioned litigious plaintiffs approached him, suggesting that the verdict was false, and that, because some of the jurors were in the service of the abbey, they had given a verdict which appeared to be to their advantage, and not in accordance with the truth of the matter. At these words the King was somewhat moved, and enacted that the men of *Wallingford* and the whole county of *Berkshire* should again appear at *Oxford* before his justices, and on either side the older men should be elected to swear in the matter of the market at *Abingdon*, in accordance with what seemed to them to be the truth; on condition that none of the jurors should be men of the abbey, so that no suspicion could be entertained that they wished to perjure themselves. After giving these commands, the King departed to *Salisbury*, leaving behind all his justices to hear the case.

When therefore they had all assembled, as the King had commanded, the jurors being selected, by contradictory verdicts frustrated their several contentions. For the men of *Wallingford* swore that, in the time of King *Henry* the Elder,

Part II.

The Jurors of Wallingford, of Oxford, and of the body of the County, give discordant verdicts.

The Earl of Leicester does not give judgment, but proceeds to the King, and testifies, that when he was brought up at Abingdon—he, as a boy, saw how the market was enjoyed.

Regis senioris tempore, præter panem et cervisiam vendi in *Abbondona* jurabant: *Oxenefordenses* vero nam et ipsi jurabant se mercatum inibi ampliorem, ceteris non autem plenum, ut in navibus onerariis et quadrigis, vidisse dicebant. Qui vero de comitatu jurabant, plenum omnium verum mercatum vidisse se asserebant, de navibus tantum onerariis per aquam *Tamisie* currentibus dubitabant; abbate tamen navibus suis ad ea quæ vellet utente. Comes autem *Legecestrie* qui Justitia et Judex aderat, eorum videns opiniones variare, nihil super hoc judicare præsumpsit, sed ad Regem profectus, ei quæ gesta fuerant indicavit; ne tamen Rex de rei hujus veritate inscius dubitaret, idem Comes plenum *Henrici* regis tempore se testatus est vidisse mercatum, et quod ulterius est, cum adhuc puer esset, et apud *Abbondonam* nutriretur, regis *Willielmi* tempore. Rex autem tanti viri testimonio delectatus, plus soli verumdicenti credendum sentivit, quam multis, per contentionem a veritate discordantibus. Interea Rege apud *Radingam* existente, convenerunt ad eum præfati calumpniatores,

nothing but bread and ale was sold in *Abingdon*; while even the men of *Oxford* swore that they had seen a larger market there, but not full they said as regards other articles, as for example things brought in barges and waggons. But those who swore from the county at large, alleged that they had seen there a full market of every sort of article, and were only doubtful of the barges that plied on the waters of the *Thames*; but the abbot, they said, made use of his own boats for any purpose he wished. But the Earl of *Leicester*, who was present as Justice and Judge, seeing that their opinions were at variance, did not venture to give judgment in this case, but repaired to the King and told him the result of the inquiry. But so that the King might not remain in doubt and ignorance of the truth of the matter, he, the Earl himself, testified to the fact that he had seen a full market there in the time of King *Henry*; and further, that this market was there when he was still a boy and was being brought up at *Abingdon* in the time of King *William*. The King, delighted with the testimony of so distinguished a man, felt that more credence should be given to one truth-speaking man, than to many who through strife and contention had no thought of truth. Meanwhile during the King's sojourn at *Reading*, the aforesaid plaintiffs approached him saying that it was impossible for

dicentes se ejus villas minime tenere posse, si mercatum ut ceperat in *Abbendonam* permaneret. Quibus pro malæ mentis pertinacia Rex indignatus, eosdem a se turbulenter abegit, præcepitque, ut a die illo, mercatum plenissimum ibi esset, navibus tantum exceptis, abbate tantummodo suis utente: et ne aliquis dissipare niteretur quod *Henrici* regis avi sui tempore dispositum constabat, et ipse nunc confirmabat, calumpniantibus silentium imponens perpetuum interdixit. Tamen antequam res hæc ad hunc finem perveniret, non modicum pertulit Abbas *Walkelinus* laborem. (Bib. Cott. Claudius B vi, f. 178.)¹

Part II.

Full right of market confirmed to the Monks by the King's judgment.

them to maintain his towns if the market, as it had begun, was allowed to continue at *Abingdon*. But the King, whose anger was roused at this continued display of bad feeling, packed them off with angry words, and enacted that, from that day onwards, there should be a full market there, with the exception only of boats, the abbot being allowed to use his own only; and to prevent anyone making a further attempt to annul what had been proved to be the established practice in the time of King *Henry*, his grandfather, the King himself now confirmed the right and, by imposing silence on the plaintiffs, closed the question for ever. However before the matter was brought to this conclusion, the abbot *Walkelinus* was caused no small amount of trouble. (Cotton MS. Claudius B vi, f. 178.)]

(6.)

Henricus Rex Angliæ Dux Normanniæ et Aquitaniæ et Comes Andegaviæ, *Ricardo* de *Luceio* et forestariis de *Windsor* salutem. Præcipio quod sine dilatione faciatis recognosci per sacramenta legalium hominum de hundredo, quot porcos quietos de pasnagio Abbas de *Abendona* solebat habere in foresta mea, quæ *Kingesfrid* vocatur, tempore Regis *Henrici* avi mei: et sicut recognitum fuerit, ita *Walchelino* Abbati de *Abendona* et monachis ibidem Deo servientibus, juste habere faciatis. Teste *Man. Biset* dapifero, apud *Rothomag*. (Bib. Cott. Claudius B vi, f. 174.)²

Right of pannage claimed by the Abbot of Abingdon—recognition to be taken by the "probi homines" of the Hundred (Part I., p. 208) pursuant to Writ of Hen. II.

[*Henry*, King of England, Duke of Normandy and Aquitaine and Earl of Anjou, to *Richard de Lucy* and to the foresters of *Windsor*, greeting. I charge you to cause it to be ascertained without delay, by the oaths of the legal men of the hundred, how many swine, free of pannage, the Abbot of *Abingdon* was

Part II. wont to keep in my forest, which is called *Kingsfrith*, in the time of King *Henry*, my grandfather; and as it shall be found do you cause *Walkelin*, Abbot of *Abingdon*, and the monks, who serve God in that place, to have it as their right. Witness, *Manasser Biset*, the steward, at *Rouen*. (Cotton MS. Claudius B vi, f. 174.)]

(7.)

How the Abbot of Caen recovered a curtilage in Wood-street, by a verdict given in the Husting of London, pursuant to the Writ or Commission of Hen. II.^a

(Part I., p. 208.)

House in Wood-street, near St. Peter's church, which had been the property of Leureth or Liefrið, the Englishman, granted by Walram Fitz-Ralph to the Monks of St. Stephen's Abbey.

A part thereof fraudulently usurped by John, the son of Nicholas, the mercer, who grants the same in fee-farm, tempore *Stephani*.

Gualerannus filius *Ranulfi* dedit Deo et ecclesiæ Sancti *Stephani* de *Cadomo* unam mansionem terræ infra Londoniam, quæ fuit *Liefredi* Angli, sitam in *Wodestrata*, prope ecclesiam Sancti *Petri*, quietam de gelt et de escot et de omni alia consuetudine, quam *Guarinus Bucherell* et hæredes sui, longo tempore de prædicto Sancto *Stephano* tenuerunt. Verumtamen in diebus eorum, quædam pars terræ prædictæ mansionis subtracta fuit et separata cum dolo. *Johannes* autem filius *Nicholai*, *Mercennarius* de Londonia, hanc prædictam terram de mansionem Sancti *Stephani* separatam atque subtractam, quæ latitudinem duodecim pedum habet in fronte, liberavit *Ricardo* filio *Edithæ* quasi ad feudalem firmam, in tempore persecutionis quæ fuit sub Rege *Stephano*. Quo mortuo, *Henricus* Dux *Normanniæ* et *Aquitaniæ* Regnum *Angliæ*, Deo annuente, adeptus est, qui a Deo

[*Waleran*, son of *Ranulf*, granted to God and to the Church of *St. Stephen* of *Caen*, one mansion of land in London, which had been formerly the property of *Leofred*, the Englishman, situate in *Wood-Street*, near the Church of *St. Peter*, quit of geld and scot and of all other burdens, which *Warin Bucherel* and his heirs held from the aforesaid *St. Stephen's* Abbey for a long time. Nevertheless in their days a certain part of the land of the aforesaid mansion was fraudulently withdrawn and severed. Moreover *John*, son of *Nicholas*, the mercer of London, delivered the aforesaid land of the mansion of *St. Stephen* which he had severed and withdrawn and which had a breadth of twelve feet in front, to *Richard* son of *Edith* as in fee-farm, in the time of the persecution which took place in the reign of *Stephen*. And when *Stephen* died, *Henry* Duke

^a Extracted from a very valuable Chartulary of the Monastery, now in the possession of the Abbé de la Rue. The greater portion of the muni-ments of the abbey were dispersed or destroyed during the Revolution. The charters of the "Abbaye Aux Dames," founded by Matilda, were concealed by the nuns under the tiles of the abbey house, where they escaped the *Sansculottes*, but perished under the attacks of rats and mice.

constitutus est Rex gloriosus et fortis. Sub quo, *Willielmus* Abbas rexit *Cadumensem* ecclesiam. Qui audiens hanc divisionem factam, illo nesciente, de terra Sancti *Stephani*, venit Londoniam, cum scriptis et munitionibus Regis *Henrici*, ad Comitem *Legecestricæ* et *Umfredum Bocointa*, Vicecomitem Londoniæ. Quibus Rex *Henricus* mandabat, quod ipsi, de civibus civitatis *Londoniæ* veritatem audirent, consilio *Hustingi*, per sacramenta legalium hominum, de terra Sancti *Stephani de Cadomo*; vocatisque illis qui terram tenuerant, si venirent si venire noluerint, veritatem audirent. Qui audientes mandatum Regis, miserunt primò et secundo usque ad tertium, ad *Johannem* et *Ricardum* qui terram tenuerant, quod venirent in *hustingo* audire mandatum Regis, et veritatem et iudicium, de terra Sancti *Stephani*, quam tenuerant; qui divertentes, neque ad primum, neque ad secundum, neque ad tertium venerunt *hustingum*. *Justicia* vero et qui aderant hoc videntes, fecerunt mandatum Regis. Et per commune consilium de *hustingo* secundum præceptum Regis, elegerunt quatuordecim viros de civibus civitatis *Londoniæ* qui juraverunt.

Part II.

Abbot William procures the writs of Hen. II. addressed to the Earl of Leicester, and to Bocointa, Sheriff of London, directing them to decide the question by a sworn inquest.

The Defendants, being then summoned to the Court of Husting, make default.

of *Normandy* and *Aquitaine*, by God's good will, obtained the throne of England and was constituted by God a brave and glorious King. In his reign *William* the Abbot held the government of the Church of *Caen*. And he, hearing that a division of this land of *St. Stephen's Abbey* had been made without his knowledge, came to London with the writings and commissions of King *Henry* addressed to the Earl of *Leicester* and *Humfrey Buchuinte*, Sheriff of London. These men the King enjoined to hear the truth concerning the land of *St. Stephen's of Caen* from the citizens of the city of *London* with the advice of the *Husting* by the sworn inquest of legal men; furthermore they were to summon those who had held the land, and if they came . . . , but if they refused to come they were to hear the truth of the matter. They therefore having heard the King's command, summoned once twice and even thrice *John* and *Richard*, who had held the land, to appear in the Court of *Husting* to hear the King's command and the truth and judgment concerning the land of *St. Stephen's*, which they had held. But they contumaciously failed to appear in the *Husting* at the first, second or third summons. The Justice therefore and those who were present seeing how the matter stood, performed the King's command. By the unanimous decision of the *Husting*

Part II. Et per sacramentum et per recordacionem juramenti eorum, Sanctus *Stephanus* habuit totam suam mansionem cum prædicta parte, lata duodecim pedum, quam *Johannes* et *Ricardus* filius *Edithæ* tenuerant. Hæc sunt nomina illorum qui juraverunt in hustingo divisam de terra Sancti *Stephani*, quæ est infra *Lundoniam* in *Wodestreta*.

By advice of the Husting, fourteen Jurors are elected pursuant to the King's writ—by whose oath and record the Monks recover their land.

Martinus Cartarius.
Odo Corduanarius.
Terricus Bolloc.
Serlo de Cadomo.
Willielmus Toyri.
Stephanus Mercennarius.
Engelramus Cobba.
Albertus Loremarius.
Nicholaus Lefranceis.
Rainerus Wardus.
Albricus de Domo Petri.
Willielmus Garlec.
Johannes Toyri.
Radulphus frater Hervici.

and in accordance with the King's writ, they elected fourteen men of the citizens of the city of *London* who took the oath; and by their oath and record of the oath, *St. Stephen's Abbey* obtained possession of the whole of its mansion together with the aforesaid part, twelve feet broad, which *John* and *Richard* the son of *Edith* had held. These are the names of those who swore in the Husting as to the division made in the land of *St. Stephen's Abbey* situated in *London* in *Wood-Street*:—

Martin Carter
Odo the Shoemaker
Terric Bolloc
Serlo of Caen
William Toyri
Stephen the Mercer
Engelramus Cobba
Albert the Lorimer
Nicholas the Frenchman
Rainer Ward
Alberic of Peterhouse
William Garlic
John Toyri
Radulf, brother of Hervic.

Isti quatuor, *Martinus, Odo, Terricus et Serlo*, iuraverunt; reliquos vero decem, quietavit *Willielmus Abbas*, qui parati erant jurare.

Et hæc sunt nomina eorum, in quorum præsentia iuraverunt. *Umfredus Bocoïnta*, Vicecomes *Londoniæ*; *Geufridus* frater ejus; *Willielmus filius Ailwardi*, Halderman; *Robertus Pulcher*, Halderman; *Fromundus*, Halderman; *Henricus filius Ailwini*, Halderman; *Petrus filius Walteri*, Halderman; *Willielmus Camerarius*; *Robertus filius ejus*; *Johannes Bocoïnta*; *Geufridus Bocoïnta*; *Radulfus de Wodestreta*; *Symond de Haverhulla*; *Petrus filius Alveredi de Windesora*; *Petrus filius Meillesme*; *Hervicus de Torreneio*; *Robertus Neulerius*; *Geufridus Aurifaber filius Willielmi*; *Everardus* frater ejus; *Willielmus de Ely*; *Willielmus de Rothomago*; *Rainerius de Valentiis*. Et ex parte *Abbatis* sunt hii testes. *Rogerius de Montenneio*; *Willielmus Manchon*; *Geufridus Camerarius*; *Ricardus de Dovra filius Rainaldi*; *Haymeric filius Quintini*; *Johannes filius Geroldi*; *Eustachius de Ros*.

These were the four that took the oath:—*Martin, Odo, Terric and Serlo*; the remaining ten *William* the Abbot dispensed with, though they were ready to take the oath.

And these are the names of those in whose presence they took the oath:—*Humphrey Buchuinte*, Sheriff of London; *Geoffrey* his brother; *William Fitz-Ailward*, Alderman; *Robert the Fair*, Alderman; *Fromund*, Alderman; *Henry Fitz-Ailwin*, Alderman; *Peter*, son of *Walter*, Alderman; *William* the Chamberlain; *Robert*, his son; *John Buchuinte*; *Geoffrey Buchuinte*; *Ralph of Wood-Street*; *Symond of Haverhill*; *Peter*, son of *Alfred of Windsor*; *Peter*, son of *Meillesme*; *Hervi of Torigni*; *Robert Neuler*; *Geoffrey the goldsmith*, son of *William*; *Everard* his son; *William of Ely*; *William of Rouen*; *Rainer of Valence*. And on the part of the Abbot these are the witnesses:—*Roger de Montigni*; *William Manchon*; *Geoffrey* the Chamberlain; *Richard of Dover*, son of *Rainald*; *Haymeric*, son of *Quintin*; *John*, son of *Gerold*; *Eustace de Ros*.]

(8.)

Anno millesimo centesimo vicesimo secundo ab incarnatione Domini.

Henricus Rex Anglorum præcepit ut quærela monachorum

(Part I., p. 208.)
Complaint preferred to
Hen. I. by the Monks of
St. Stephen at Caen,
against the King's tenants

[In the year 1122 after Our Lord's incarnation, *Henry*, King of the English, ordered that the complaint of the monks of

Part II. Sancti *Stephani Cadomi*, quam faciebant de terra, quæ pertinet ad *Bridetonam*^a, quam homines Regis de *Brideport* præripuerant, et auxilio ministrorum Regis potiti diu tenuerant, sub examinatione Judicum discuteretur; ita quidem ut finis totius quæstionis in affirmatione virorum de quatuor partibus vicinitatis illius villæ poneretur. Quod sepe dilatum, tandem ut fieret instabat Regis jussio. Die igitur statuto, calumpnia monachorum audita est coram septem hundredis qui convenerant super eandem terram, ex circumjacentibus et procul remotis villis, præsentē *Guarino* Vicecomite de *Dorseta* et *Sumerseta* cujus tenendum super hac re specialiter injunctum erat, et secundum regis definitionem juratum est. Nam sexdecim homines, tres videlicet de *Brideport* et tres de *Bridetona* et decem de vicinis, juraverunt se veram affirmationem facturos de inquisitione terræ illius. Qui, factâ inquisitione cujus rectius debeat esse, affirmabant, juxta fidem juramenti, prædictam

of Bridport, who, as the Monks allege, had unlawfully occupied certain of their lands, appurtenant to the manor of Brideton.

The King orders that the same shall be determined by the testimony of four Townships.

"Seven Hundreds" assembled before Warine, Sheriff of Dorset and Somerset.

Verdict of sixteen Jurors,

who state that the land had always been appurtenant to Brideton, as claimed by the Monks.

St. Stephen's of *Caen* which they were making in respect of the land, appertaining to *Brideton*, which the King's men of *Bridport* had seized upon and which by the aid of the King's ministers they had taken possession of and held for a long time, should be inquired into under the examination of the Justices, so that the conclusion of the whole question be decided by the verdict of men chosen from four parts neighbouring to that township. The matter was often adjourned, till at length an insistent command came from the King that it should be settled. On the appointed day therefore the allegations of the monks were heard before seven hundreds who had met on that land from neighbouring and far remote townships, in the presence of *Warin*, Sheriff of *Dorset* and *Somerset*, who had been especially enjoined to hold this inquest and appoint jurors according to the King's definition. For sixteen men, to wit three from *Bridport*, three from *Brideton* and ten from the vicinity, took the oath that they would give a true verdict with regard to the inquest on this land. They then held their inquest as to who was the rightful owner of the land and gave their verdict in accordance with their oaths, that the aforesaid land had from of old been

^a The Manor of *Brideton*, with the appurtenances, was granted to the Abbey by the Conqueror, "consilio Mathildis uxoris meæ, baronumque meorum" [on the advice of my wife *Matilda* and of my barons].

• terram antiquitus adjacere ad *Bridetonam*. Et cujus fuerit *Bridetona*, ejus debere esset et terra illa. Quorum assertioni cuncti adquiescentes; Dei gratia Sanctique *Stephani* meritis, sua jura conquærentibus adjudicabant, restituendamque terram illam ad *Bridetonam*, et monachis ilico tradendam. Sicque eodem die factum est... nomina vero illorum qui juraverunt hæc sunt. *Willielmus de Uer*, *Ranaldus Postel*, *Rualdus de Esterta*, *Ricardus filius Livingi*, *Aihwardi de Denecaham*, *Edwardus Chingenot*, *Saricus de Berewicia*, *Aihwardus de Bridia*, *Leovericus Burdelin*, *Alwinus Bacon*, qui erat præpositus, *Edwinus filius Sarici de Brideport*, *Alvricus filius Sideflet*, *Tedwi de Brideport*, *Torgotus de Bridetona*, *Saricus de Bridetona*, *Alwinus filius Onwini de Bridetona*.

Part II.

Names of the Jurors.

appurtenant to *Brideton*; and the possessor of *Brideton* ought to be the possessor of that land too. When therefore all parties acquiesced in this verdict, through the grace of God and the merits of *St. Stephen*, the plaintiffs were awarded their rights, namely that that portion of land was to be restored to *Brideton* and handed over to the monks forthwith. And so on the same day it came to pass..., the names of those who took the oath are as follows:—*William de Uer*; *Ranald Postel*; *Ruald of Stert*; *Richard*, son of *Living*; *Ailward of Dagenham* (?); *Edward Chingenot*; *Saric of Berwick*; *Ailward of Bridia*; *Leoveric Burdelin*; *Alwin Bacon*, who was bailiff; *Edwin* son of *Saric of Bridport*; *Aluric*, son of *Sideflæd*; *Tedwi of Bridport*; *Torgotus of Brideton*; *Saric of Brideton*; *Alwin*, son of *Onwin of Brideton*.]

Though the Jury was returned or selected by the advice of the Husting (7), yet the process rested wholly upon the King's writ, which was in the nature of a special commission to the Earl of Leicester and to the Sheriff. It is a curious fact; that Fitz-Ailwyn himself was present during these proceedings; and that his Assize altered their course, and gave to the Aldermen, nominated by the Court, the character of Jurors united to that of Judges. The claim of the Abbot was in the nature of a suit "de rationabilibus divisis."¹ In a case, not entirely dissimilar, Hen. I. allowed the Justices to exercise their discretion. They were to take the recognition of the "probi homines" concerning the disputed boundary; but if the suitors, when unsworn, did not testify to the satisfaction of the Justices, then an oath was to be

Part II. administered to them^a. They might be treated either as Anglo-Saxon suitors, or as Anglo-Norman inquest-men. And, in the Husting case, since the Abbot was contented with the oaths of four of the Inquest, the Court acquiesced. All these circumstances shew, that the whole process was only considered as the means of getting at the truth, and not bound by any rigid rule.

(Part I., p. 205.)

(9.)

Jurors present Christiana, the widow of Ernaldus de Knabbewelle, and a certain clerk, named Reginald, as the murderers of Radulphus Parmentarius, who had been found dead, with his neck broken, stating in this presentment the grounds of their suspicions, viz. because the deceased had brought a suit against Christiana in the Ecclesiastical Court, for breach of promise of marriage, at the time when she cohabited with the clerk.

And upon these grounds of suspicion, thus testified by the Jurors, it is adjudged that Christiana shall clear herself by the fire ordeal.

Juratores dicunt quod *Radulphus Parmentarius* inventus fuit mortuus, collo ejus fracto, et de ejus morte habent quandam *Cristianam*, quæ fuit uxor *Ernaldi de Knabbewelle*, in suspectione, quia ipse *Radulphus* inde placitavit eam in capitulo, de fide suâ, quam ipsa affidaverat eum: et *Reginaldus*, clericus de... frequentaverat eam, post mortem *Ernaldi* viri sui, et eam abstulit ab ipso *Radulpho*; et ipsi habuerunt ipsum *Radulphum* in odio, quia eam implacitaverat de fide suâ; et pro odio illo habent ipsum clericum et ipsam *Cristianam* suspectos de morte illius. Et Comitatus dicit quod habent eos in suspectione. Ideo consideratum est, quod clericus et *Cristiana* veniant coram justiciariis die Veneris...et *Cristiana* mundet se per ignem. (Rot. It. Wiltes. &c. 10 Ric. I.)

[The Jurors state that *Ralph Parmenter* was found dead, with his neck broken, and they hold in suspicion as the cause of his death one *Christiana*, who was the wife of *Ernald de Knabbewelle*, because *Ralph* himself had brought a suit against her in the Chapter in respect of breach of promise with him;

^a H. Rex Anglorum, *Ran. Meschino* et *Osberto* Vicecomiti, et *Picoto* filio *Colsueni* et *Wigoto de Linc.* salutem. Ite, et videte divisas inter manerium meum de *Torkesei* et manerium de *Estora*, et facite recognoscere per probos homines de comitatu, et dividere prædictas divisas. *Et si bene eis non credideritis, sacramento confirment quod dixerint.* (Mon. VI. 1273.)

[Henry, King of the English, to *Ranulf le Meschin* and *Osbert* the Sheriff and *Picot* son of *Colswegen* and *Wigot of Linc.*, greeting. Go and inquire into the boundaries of the lands between my manor of *Torksey* and the manor of *Estor* and make inquiry by means of good men of the county and cause the aforesaid boundaries to be affixed. *And if you do not fully believe in them, let them confirm their statements by oath.*]

and *Reginald*, a Clerk of...had cohabited with her after the death of her husband *Ernald* and had stolen her away from *Ralph* himself. Wherefore they hated *Ralph* because he had impleaded her for breach of promise and in view of that hatred they hold the clerk and *Christiana* suspect of his death. And the shire says that it holds them in suspicion. Wherefore it was adjudged that the clerk and *Christiana* should appear before the Justices on Friday...and that *Christiana* should clear herself by the fire ordeal. (Eyre Rolls, Wilts. &c. 10 Ric. I.)]

Part II.

(10.)

Juratores dicunt, quod *Osbertus Cole* occidit quendam *Godefredum* cum quadam furca ferrea. Et *Osbertus* captus est et venit et defendit quod eum non percussit, nec per eum mortem accepit. Mundet se per aquam de morte illâ. (Rot. It. Wiltes. 10 Ric. I.)

The Jurors of the Hundred affirm that *Osbertus Cole* killed a certain man named *Godfrey*, with an iron fork. The accused denies the fact, but he is condemned to undergo the water ordeal.

[The Jurors allege that *Osbert Cole* killed one *Godfrey* with an iron fork. *Osbert* was taken into custody and now appears and pleads that he did not strike him and that he did not meet his death through him. Let him clear himself of this death by the water ordeal. (Eyre Rolls, Wilts. 10 Ric. I.)]

(11.)

Juratores dicunt quod apud *Estr'*, fuit *Willielmus Algar* de nocte vulneratus, et *Edita* uxor ejus et *Matilda* famula sua occisæ. Et ipse *Willielmus* inde, *Stephanum de Caldecot* et *Augnetem* sororem ejus et *Willielmum de Insula* et *Walwinum de Roinges*, qui in prisiona sunt, appellavit. Et idem appellavit inde *Gaufridum Scrop* et *Adam* qui fugitivi sunt. *Willielmus* venit et appellat prædictos *Stephanum* et *Augnetem* et *Willielmum*, quod in pace Regis, et de nocte et nequiter, occiderunt uxorem ejus et famulam, et eum ligaverunt et esgargataverunt, et domum ejus fregerunt, et catalla sua furtim asportaverunt; et hoc offert probare per consideracionem curiæ sicut homo maimatus. Ipsi totum defendunt. Consideratum est quod *Stephanus* et *Willielmus* purgent se igne, quia elegerunt adferre judicium; et *Agnes* comburatur, quia convicta est. Et ipse *Willielmus Algar* relaxavit *Walwinum*. Et milites

The Jurors testify that *Willielmus Algar* was wounded, and his wife and servant killed by certain Defendants whom they name.

Algar appears in Court and prefers his appeal against them, and being a maimed man, he offers to prove the same by the judgment of the Court.

Three of the Defendants deny the wrong. *Stephanus de Caldecote* and *Willielmus de Insula* are adjudged to bear the hot iron. *Agnes de Caldecote* being "convicted," is sentenced to be burnt, but being pregnant, execution is respited until after her delivery. The Plaintiff releases his appeal against another Defendant, who is discharged, as the Knights of the Jury do not suspect him.

Part II. jurati non malecredunt eum. *Agnes* pregnans est, et custodiatur, donec pepererit; et postea comburatur. (Placita Coronæ, apud Stratford. 10 Ric. I. m. 8.)

[The Jurors allege that at *High Easter* (a village in Essex), *William Algar* was wounded at night, and his wife *Edith* and his servant *Matilda* were killed. Whereupon *William* in person appealed *Stephen of Caldecot*, *Agnes* his sister, *William of Lille*, and *Walwin of Roinges*, who are in prison. He also appealed *Geoffrey Scrop* and *Adam* who escaped. *William* appears and appeals the aforesaid *Stephen* and *Agnes* and *William* for that they did, in the King's Peace, feloniously and by night, slay his wife and servant and bound him and cut his throat and broke into his house and carried away his chattels by stealth; and this he offers to prove by the judgment of the Court as being a maimed man. The defendants totally deny the charge. It was adjudged that *Stephen* and *William* should clear themselves by fire, because they elected to come to judgment, and *Agnes* was convicted and sentenced to be burnt. *William Algar* released his appeal against *Walwin*. And the knights of the jury do not hold him in suspicion. *Agnes* is pregnant and is to be kept in custody until the child is born; and afterwards she is to be burnt. (Crown Pleas, at Stratford. 10 Ric. I. eighth membrane.)]

(12.)

An appeal of murder brought by a widow, being confirmed by the male-credence of the Jury, &c. the Defendant is adjudged to bear the hot iron.

Goditha, quæ fuit uxor *Walteri Palmeri*, appellat *Ricardum de Stonhale* quod ipse in pace domini Regis, et nequiter, de nocte, cum vi sua venit in domum suam, et ipsam et virum suum ligavit; et postea *Walterum* virum suum interfecit; et hoc offert probare versus eum, sicut sponsa sua, prout curia consideraverit; et ipse totum defendit de verbo in verbum, prout curia consideraverit. Et juratores et totum visnetum malecredunt eum de morte illâ: et ideo consideratum est quod ipse purget se per iudicium ferri, quia ipse elegit portare ferrum. (Rot. It. Staff. 5 Joh.)

[*Goditha*, who had been the wife of *Walter Palmer*, appeals *Richard de Stonehale* for that he did, in the peace of our Lord the King, by night and feloniously enter her house by force and bind her and her husband and did afterwards slay her husband *Walter*. And this she offers to prove against him, as the wife

of the murdered man, as the Court shall direct. The defendant denies the charge word by word (and is ready to do) what the Court shall direct. The jurors and the whole neighbourhood hold him in suspicion of this murder; wherefore it is adjudged that he should clear himself by the ordeal of the hot iron, because he himself elected to bear the hot iron. (Eyre Rolls, Staffordshire. 5 Joh.)] **Part II.**

(13.)

Quædam *Elena* malecreditur a juratoribus quod ipsa fuit ubi *Reinalda de Hencherche* occisa fuit, et quia per ejus auxilium et consensum occisa fuit; et ipsa defendit, et ideo purget se per judicium ferri. Sed quia infirmatur, ponitur in respectum quousque convalescerit. (Rot. It. Staff. 5 Joh.)

The Jurors state that the Defendant was present when a murder was committed, and that the murder was so committed with her assistance and consent. She is adjudged to bear the hot iron.

[One *Elena* was held in suspicion by the jurors, for that she was present when *Reinalda de Henchurch* was murdered, and because she was murdered with her assistance and consent. She denied it; let her therefore clear herself by the ordeal of the hot iron, and because she is invalid let the ordeal be postponed until she is well. (Eyre Rolls, Staffordshire. 5 Joh.)]

(14.)

Andreas de Bureweston malecreditur a juratoribus de morte cujusdam *Hervici*, eo quod subtraxit se pro morte illâ, et ideo purget se per judicium aquæ. (Rot. It. Staff. 5 Joh.)

The Jurors present a Defendant as guilty of a murder, grounding their suspicion upon his flight. He is adjudged to the water ordeal.

[*Andrew de Burston* is suspected by the jurors of the murder of one *Hervic*, since he fled and hid himself because of this murder; let him therefore clear himself by the water ordeal. (Eyre Rolls, Staffordshire. 5 Joh.)]

(15.)

De Hundredo de *Pirkull* isti sunt.
Henricus de Ravenesne est captus et malecreditus a juratoribus et quatuor villatis proximis juratis, de latrocinio

A Defendant presented as guilty of theft and burglary by the Jurors of the Hundred, and by the four next Townships, adjudged to the water ordeal.

Part II. et burgleria; purget se per aquam. (Rot. It. Stafford. 5 John.)

[These are they of the Hundred of *Pirehill*.

Henry of Rawnsley (?) was arrested and held in suspicion of robbery and burglary by the jurors and by men sworn from four neighbouring townships. Let him clear himself by the water ordeal. (Eyre Rolls, Staffordshire. 5 John.)]

(16.)

Hugh the Fuller being arrested as an accessory to a murder, gives certain chattels to the King, as the price of an inquest.

The Jurors testify that he is not guilty.

Willielmus Pepin occidit *Johannem Guldeneman*, et fugit; nulla habuit catalla; interrogetur—et *Hugo Fullo* captus fuit pro morte illâ et in gaolâ positus. Et quia prædictus *Johannes* occisus fuit in domo suâ, idem *Hugo* dat domino Regi catalla sua, quæ capta fuerunt cùm eo, pro habendâ inquisitione utrum ipse inde esset culpabilis necne.

Juratores dicunt quod non est inde culpabilis, et ideo eat quietus. (Rot. Itin. Salop. 5 Joh.)

[*William Pepin* slew *John Guldeneman* and fled; he possessed no chattels; let him be interrogated—and *Hugh the Fuller* was arrested for that murder and put in gaol. And because the aforesaid *John* was slain in his house, this same *Hugh* gives his chattels to our Lord the King, the same which were seized when he was seized, to procure an inquest to determine whether he be guilty or not of this charge.

The Jurors declare that he is guiltless of the charge, and so let him go free. (Eyre Rolls, Shropshire. 5 Joh.)]

(17.)

Robert, the son of Robert de Ferrariis, brings his appeal against Ranulph de Tattsworth, for that the Appellee assaulted and wounded Roger, the man of the said Robert. The Appellee or Defendant offers a Mark to the King, to be allowed to put himself upon the testimony of a Jury or Inquest of Knights—pleading also, that no appeal had been brought against him by Roger. The Jurors state the facts, and declare that they bear no suspicion against the Appellee.

Robertus filius Roberti de Ferrariis appellat *Ranulfum de Tattsworth*, quod ipse venit in gardinum suum, in pace domini Regis, et nequiter assultavit *Rogerum* hominem suum, et eum verberavit et vulneravit, ita quod de vitâ ejus desperabatur; et ei robavit unum pallium et gladium et arcum et sagittas; et idem *Rogerus* offert hoc probare per corpus suum, prout curia consideraverit; et *Ranulphus* venit et defendit totum de verbo in verbum, et offert domino Regi unam marcam argenti pro habendâ inquisitione per legales milites, utrum culpabilis sit inde, necne: et præterea dicit quod iste *Rogerus* nunquam ante appellavit eum, et petit ut hoc ei allocetur,—oblatio recipitur.—Juratores dicunt quod revera contencio fuit inter gardinarium prædicti *Roberti*, *Osmund* nomine, et quosdam garciones, sed *Ranulfus*

non fuit ibi nec malecredunt eum de aliquâ roberia, vel de aliquo malo facto eidem. (Rot. It. Staff. 9 Joh.) Part II.

[*Robert*, son of *Robert de Ferrers*, appeals *Ranulf de Tettesworth*, for that he did come to his garden, in the peace of our Lord the King, and did feloniously assault *Roger*, his man, and beat him and wound him so that his life was despaired of; furthermore he did rob him of a cloak, a sword, a bow and arrows. And this same *Roger* offers to prove this by his own body, as the Court shall award. *Ranulf* appears and flatly denies the charge word by word and offers to our Lord the King one mark of silver for an inquest to be held by legal knights, to determine whether he be guilty of the charge or not. Furthermore he declares that this *Roger* never appealed him before, and seeks that this be considered proved—the offering is accepted. The Jurors declare that in truth there was a contention between the gardener of the aforesaid *Robert*, named *Osmund*, and certain youths, but that *Ranulf* was not present and that no suspicion is entertained against him of any robbery or any harm done to this man. (Eyre Rolls, Staffordshire. 9 Joh.)]

(18.)

De Hundredo de *Munsselawe*.

Coleman de Luddelawe rectatus de latrocinio: venit et defendit latrocinium et totum, et de bono et malo ponit se super patriam, et offert domino Regi unam marcam pro habendâ bonâ inquisicione, per plegios *Galfridi Andreu de Luddelawe* et *Willielmi de Radenour* de eadem. Et duodecim juratores istius hundredi et duodecim juratores hundredi de *Luddelawe* dicunt super sacramentum suum quod non est culpabilis, ideo inde quietus. (Rot. It. Salop. 15 Hen. III.)

A Defendant accused of theft, offers one Mark to the King to have a "good inquest." A Jury of twenty-four men of the Hundreds returned, who testify that he is not guilty.

[Of the Hundred of *Munslow*.

Coleman of Ludlow was accused of robbery; he appears and flatly denies the robbery, and for good or ill puts himself on his country and offers our Lord the King one mark to procure a good inquest, by the pledges of *Geoffrey Andrew of Ludlow* and *William of Radnor* of the same place. And twelve jurors of that Hundred and twelve jurors of the Hundred of *Ludlow* declare on their oaths that he is not guilty of the charge, and he is therefore acquitted. (Eyre Rolls, Shropshire. 15 Hen. III.)]

Part II.

(19.)

Verdict given by the twelve Jurors of the Hundred, and the four nearest Tythings.

Hundredum de *Ermin-ton* venit per duodecim.—*Ricardus le Giu* rectatus de latrocinio venit et defendit latrocinium et totum, &c. et ponit se super patriam de bono et malo. Et duodecim juratores, et quatuor *Thedingi* propinquoires dicunt super sacramentum suum, quod prædictus *Ricardus* non est culpabilis de aliquo malefacto, ideo inde quietus. (Rot. It. Devon. 33 Hen. III.)

[The Hundred of *Erming-ton* appears by twelve jurors.—*Richard the Jew* was accused of robbery and appears and denies the robbery in full, etc., and puts himself on his country for good or ill. And twelve jurors and four nearest *Tithings* declare on their oaths that *Richard* is not guilty of any evil deed and he is therefore acquitted. (Eyre Rolls, Devon. 33 Hen. III.)]

(19 a.)

Mabilia de *Perbold* brings her appeal against certain persons for the death of her husband and sons.

Wapentak de *Leylaund-syre* per duodecim.—*Mabilia* de *Perbold* appellavit in comitatu *Adam Dun*, quod ipse in felonia, et contra pacem Domini Regis occidit *Albinum* virum suum. Eadem *Mabilia* appellavit in comitatu *Gilbertum Nite*, de morte *Ricardi* filii sui. Et *Mabilia* modo non venit; et fuit attachiata per *Ricardum* filium *Roberti* de *Wallemore* et *Machinum* de *Cuton*. Ideo ipsa capiatur. Et plegii sui de prosecucione in misericordiâ.

The Appellees are let out upon manucaption, pursuant to the King's writ—such writ being grounded upon an inquisition virtually declaring them innocent.

Eadem appellavit de vi *Robertum* de *Crumton*, *Willielmum* de *Querendon*, *Robertum* de *Bracington*, et *Benedictum* de *Medecroft*, quod ipsi fuerunt in vi et auxilio ejusdem occisionis, qui omnes modo veniunt, et alias capti fuerunt et imprisonati apud *Lancastriam* pro prædictâ morte. Et super hoc mandavit Dominus Rex per breve suum, quod accepit per inquisitionem factam, quod prædicti *Adam*, *Robertus*, et alii interfecerunt prædictos *Albinum* et *Ricardum* pro latrocinio unde intercepti fuerunt, et non per feloniam; et quod committerentur duodecim legalibus hominibus qui eos manucaperent habendi ipsos coram justiciariis ad primam assisam, &c. Et duodecim juratores dicunt quod prædicti *Albinus* et *Ricardus* fuerunt latrones de bobus et vaccis, et

Twelve Jurors declare that the persons killed were beheaded by the Defendants as thieves, they

cum latrocinio capti unde fuerunt in seisis; et ideo fuerunt decollati. Et prædicti juratores, requisiti si de aliquo malecredunt prædictos *Adam* et alios, dicunt quod non malecredunt ipsos de aliquo malefacto. (Rot. It. Lanc. 31 Hen. III.)

Part II.

having been taken in flagrant delicto—(Part I., p. 172) &c.

[The Wapentake of *Leylandshire* by twelve jurors.—*Mabilia of Parbold* brings an appeal in the County Court against *Adam Dun*, for that he did feloniously and contrary to the peace of our Lord the King slay her husband, *Albin*. The same *Mabilia* brought an appeal in the County Court against *Gilbert Nite* for the death of her son *Richard*. *Mabilia* does not now appear; and was attached by *Richard* son of *Robert of Wallemore* and *Machin of Coton*. Let her therefore be arrested, and her pledgors for the prosecution be in mercy.

The same woman brought an appeal for violence against *Robert of Crompton*, *William of Quarndon*, *Robert of Brassington* and *Benedict of Meadowcroft*, for that they were accomplices by force in the slaying; they do now appear, and were arrested in other parts and committed to prison at *Lancaster* for the aforesaid death. Whereupon our Lord the King commanded by his writ, that he had learnt by inquisition, that the aforesaid *Adam*, *Robert* and others slew the aforesaid *Albin* and *Richard* for robbery in which they were caught, and not with felonious intent; and that they should be handed over to twelve legal men who should go bail for them to bring them before the justices at the first Assize, &c. And twelve jurors declare that the aforesaid *Albin* and *Richard* were robbers of oxen and cows and were captured in possession of the stolen articles; wherefore they were beheaded. And the aforesaid jurors when asked if they suspected the aforesaid *Adam* and others of any misdeed, declare that they do not suspect them of any misdeed whatsoever. (Eyre Rolls, Lancashire. 31 Hen. III.)]

(20.)

Willielmus Powe de Herteshorne captus pro suspicione latrocinii, venit et defendit latrocinium et totum, et dixit quod hoc crimen ei impositum fuit per villam de *Barton*, eo quod eadem villa odio habuit ipsum, et offert Domino Regi quindecim marcas pro habendâ inquisicione per juratores comitatûs et per omnes villas propinquiores, excepta villa

William Pow, accused of theft, alleges that he is falsely accused by the Township of Barton. And he offers a fine of fifteen Marks, that the fact may be inquired into by the Jurors of the County, and by the nearest Townships, Barton excepted.

Part II. *de Barton*, et recepti sunt per plegios *Gilberti filii Ormi, Ricardi de Salesergle, Eliæ filii Simonis, Roberti filii Eliæ et Willielmi filii Thomæ*. Et juratores istius comitatus et omnes villæ propinquiores, præter prædictam villam de *Barton*, dicunt super sacramentum suum quod prædictus *Willielmus* in nullo est culpabilis de aliquo malefacto: ideo quietus. Et quia suspicio de eo habetur per prædictam villam, ideo remaneat sub eadem plevina quod erit fidelis. (Rot. It. Westmoreland. 40 Hen. III.)

The Jurors of the County, and of the nearest Townships (*Barton* being excepted), declare that they do not suspect him. But on account of the suspicion of that one Township, it is adjudged that he shall continue under security for his good behaviour.

[*William Pow of Hartshorne*, arrested on suspicion of robbery, appeared and denied the robbery in full and declared that this charge had been made against him by the township of *Barton*, because that township had a grudge against him. He offers to our Lord the King fifteen marks for an inquest to be held by jurors of the county and by all the nearest townships, the township of *Barton* excepted. These are accepted on the pledges of *Gilbert*, son of *Orm*, *Richard of Soulgill*, *Elias*, son of *Simon*, *Robert*, son of *Elias*, and *William*, son of *Thomas*. And the jurors of that county and all the nearest townships, except the aforesaid township of *Barton*, declare on their oaths that the aforesaid *William* is utterly guiltless of any evil deed, wherefore he is acquitted. But because the aforesaid township holds him in suspicion, he must therefore remain under the same pledge that he will be faithful. (Eyre Rolls, Westmoreland. 40 Hen. III.)]

(21.)

Willielmus filius Matildæ captus fuit et imprisonatus apud Gloucestriam pro morte *Willielmi Blund*, quem ipse occidit: et *Nicholaus de Ecelesiâ, Johannes filius Melisent, Walterus de Havena, Walterus Faber, et Ricardus de Herdesfelt*, et plures alii, qui interfuerunt quando ipse occisus fuit, testati sunt quod ipsi viderunt ubi ipse occidit eum, et quod ipsi statim super factum ceperunt eum, adhuc tenentem in manu sua baculum unde ipse eum occidit; et præterea quatuor villatæ propinquiores hoc idem testantur et præter...et *Dionisia* uxor ipsius *Willielmi Blund* appellavit eum de morte prædictâ, ut de visu suo; et præterea duodecim juratores dicunt quod ipse est inde culpabilis. Et ipse defendit totum versus omnes.—Sed quia ipse captus fuit super factum, tenens adhuc in manu suâ baculum unde

Certain witnesses appear in Court, and testify that they were present when the Prisoner committed the murder.

The four nearest townships testify to the same effect. And the Jurors of the Hundred declare that he is guilty.

The prisoner offers to plead "not guilty," but inasmuch as he was taken in the fact, and it is declared unanimously, and without a dissentient voice

ipse occidit eum, et omnes dicunt unâ voce quod ipse est inde culpabilis: consideratum est quod ipse non potest defendere, et ideo suspendatur. (Rot. It. Glouc. 5 Hen. III.)

Part II.

that he is guilty, it is adjudged that he is not entitled to any further trial. Judgment given accordingly.

[*William*, son of *Matilda*, was arrested and imprisoned at Gloucester for the death of *William Blund*, whom he killed; and *Nicholas of Eccles*, *John*, son of *Melisent*, *Walter of Avening* (?), *Walter Smith*, and *Richard of Herdeshelt* and several others, who were present when he was killed, testified to what they saw when he killed him, and that immediately after the deed they arrested him, still holding in his hand the stick with which he killed him; in addition the four nearest townships testify to the same effect, besides...and *Denise*, the wife of *William Blund*, appealed against him for the aforesaid death for that she saw it done; and in addition twelve jurors declare that he is guilty of the deed. The prisoner totally denies against them all.—But because he was caught in the act, while still holding in his hand the stick with which he killed him and all unanimously declare that he is guilty; it was adjudged that he was not entitled to make his defence. Let him therefore be hanged. (Eyre Rolls, Gloucester. 5 Hen. III.)]

(22.)

Hundredum de *Heyngford* respondit per duodecim.—*Johannes le Brascur* captus fuit in societate *Martini Fikebok* cum quodam equo *Ricardi Batayle* furato. Et *Martinus* suspensus fuit pro latrocinio. Et *Johannes* venit et defendit latrocinium et omnem feloniam, et ponit se super patriam de bono et malo. Et quatuor villatæ propinquiore dicunt super sacramentum suum quod nunquam viderunt nec sciverunt ipsum esse de societate ipsius *Martini* nisi postquam prædictus *Martinus* captus fuit, neque malecredunt ipsum de aliquo malefacto, nisi quod fuit cum *Martino* quando captus fuit. Et quia non potuit invenire plegios, petit licenciam quod possit abjurare regnum.—Abjuravit.—Et elegit portum de *Doverio*, et datus est ei dies, quando evacuerit regnum, infra octo dies. (Rot. It. Essex, 19 Hen. III.)

John le Brasur is found in company with a thief, who is convicted and hanged.

He puts himself upon the country, and the four Townships declare that they do not suspect him, nor can any thing be alleged against him, except that he was found in company with the thief; yet as he cannot find pledges for his good behaviour, he abjures the kingdom.

[The Hundred of *Hinckford* answers by twelve jurors.—*John the Brewer* was arrested in the company of *Martin Fikebok*, with a horse stolen from *Richard Batayle*. And *Martin* was hanged

Part II. for robbery. *John* appears and defends the theft and all felony and puts himself on the country for good or ill. The four nearest townships declare on their oath that they never saw him nor knew him to be in the company of *Martin* except when the aforesaid *Martin* was arrested, nor do they suspect him of any evil deed except that he was with *Martin* when he was captured. But because he cannot find pledges, he requests permission to abjure the realm. He did so, and chose the port of *Dover*, and a day was appointed for him within eight days wherein to leave the country. (Eyre Rolls, Essex. 19 Hen. III.)]

(23.)

The seneschal of Robert Fitz-Roger is presented by the Township for a misdemeanour in amercing the men thereof according to his will, and not by the judgment of their peers.

Villa de *Roubyry* venit per duodecim juratores. Juratores præsentant quod *Johannes de Brigham* Senescallus *Roberti filii Rogeri* apud *Roubyry* de consuetudine americiat tenentes prædicti *Roberti* in curiâ de *Roubyry* pro voluntate suâ, et non secundum quantitatem delicti, nec per pares suos, &c. Et *Johannes* modo venit, et dicit quod ipse nunquam americiavit tenentes prædicti manerii nisi secundum consuetudinem antiquitus usitatam in prædicto manerio, tempore quo non extat memoria, et hoc per pares suos. Et de hoc ponit se super prædictos juratores prædictæ villæ. Et juratores dicunt quod prædictus *Johannes* non americiavit tenentes prædicti manerii, nisi secundum antiquam consuetudinem prædicti manerii, videlicet per præpositum et messarium sicut fieri consuevit; ideò prædictus *Johannes* inde quietus. Et prædicti duodecim juratores sint in misericordiâ, quia contrarium præsentaverint in veredicto suo. (Rot. It. Northumb. 21 Hen. III.)

He puts himself upon the Jury of the Township, who, being re-examined as an Inquest, find that he has amerced them according to the ancient custom, to wit, by the assessment of the Reeve and the Hayward, and he is therefore acquitted. The Jurors are amerced, because their verdict contradicts their presentment.

[The township of *Rothbury* appears by twelve jurors. The jurors present *John de Brigham*, Seneschal of *Robert*, son of *Roger* at *Rothbury* for that he does habitually amerce the tenants of the aforesaid *Robert* in the court of *Rothbury* according to his will and not in accordance with the extent of the fault and not by the judgment of their peers. *John* now appears and declares that he has never amerced the tenants of the aforesaid manor except in accordance with the practice which has of old been customary in the aforesaid manor, from a time beyond memory and always by judgment of their peers. And as to this he puts himself upon the aforesaid jurors of the township. And the jurors declare that the aforesaid *John*

has not amerced the tenants of the aforesaid manor, except **Part II.** in accordance with the ancient practice of the aforesaid manor, to wit upon the assessment of the reeve and hayward as the custom has been. Wherefore the aforesaid *John* is acquitted. And the aforesaid twelve jurors are in mercy, for that they did return a presentment contradictory to their verdict. (Eyre Rolls, Northumberland. 21 Hen. III.)]

PEINE FORTE ET DURE.

FLETA and Bracton describe the "Penance" in such terms as to shew that, according to the opinion of these writers, the punishment, though hard indeed, was not considered as necessarily occasioning the death of the Offender. Such was the law, and Andrew Horn does not hesitate to accuse those of homicide, who kill the prisoner by "surcharge of penance." About the same period, however, the chroniclers do record the fate of many Criminals who perished under the infliction; and we can only ascribe this increase of punishment to the discretion assumed by the Judges. They not only aggravated the "penance," but extended it beyond the purview of the statute, which speaks only of indictments—for it was universally applied also to appeals, of which no mention is made. Coke defends the legality of the infliction by the theory, that the punishment existed at common law^a; but at all events no authority can be shewn, that the "common law, which," as he considerately says upon *this* occasion, "*is the absolute perfection of all reason,*" sanctioned the additional severities inflicted by the tribunal^b.

(See Part I., p. 220.)

Peine forte et dure,—
extended by the judges
to appeals, though the
statute speaks only of
indictments.

^a 2 Inst. p. 178.

^b Gascoigne (the well-known Chief Justice) par avis de tous les justices agard que ils fueront mis a penance, et command al marshal pour eux mettre en diverses bases measons estoppés; et que ils gisent sur la terre tous nudes, forsque lour braces; et que il metteroit sur chescun de eux altant de fer et pois come ils puissent porter et puis, issint que ils ne puissent lever, et que ils ne averont nul mangier ne boire, si non le puis

Part II. Some countenance to the common law theory of the "penance" is afforded by the Norman practice, which, as

pier pain que purrait estre trouvé, et de l'ewe plus prochein al huis del gaole, sauve ewe curreant, et que le jour que ils eient pain que ils n'eient l'ewe, et e contra—*et que ils gisent issint, tanque ils fueront morts. Et fuit dit que le contrarie avera estre fait avant ces heures.* (Mich. 8 Hen. VI. i.)

[Gascoigne, by counsel of all the judges, awards that they be put in penance, and orders the marshal to put them severally in closed vaults; and that they are to lie on the floor naked, except their drawers; and that on each of them is to be put as much iron and weight, as they can carry, and over, so that they cannot rise; and that they have no other food and drink than the worst bread that can be found, and water nearest to the prison gate, provided it be not running water; and that on the day they have bread they have no water, and vice versa—and *that they lie thus, till they die. And it was said that the contrary practice prevailed before this occasion.*]

Thus it appears from the concluding phrase, that some held that the punishment was not continued till the death of the offender.—In a subsequent case, the judges settled the "penance" after a private consultation.—Il serra mis en une chambre, et la serra nud, saunz aucun litter, ou sirplis ou ascuns draps ou autre chose, mes solement la nude terre, et que puis il serra nude cotchant sur son dorce, nude saunz aucun garnish circa luy, ayant une chose le quel recoversa son membre, et que son teste soit vesté, et les pies vesté, et que l'un brache soit traie a l'un quarter del chambre ove une corde, et l'autre brache a l'autre quarter, &c. Et que l'un peé soit traie a l'un quarter del chambre et l'autre peé a l'autre quarter, et que sur son corps soit mis une peece de ferre tant come il poit souffrir et porter suir lui et puis; et le primer jour il avera pain fait de barley trois morcellis saunz aucun boyer, et le second jour il boyera trois foits, tant si come il poit d'ewe que est prochein a le huis del prison, except ewe que est curreant, saunz aucun pain, et cel serra son diet tanque il soit mort. (Trin. 15 Ed. IV. No. 17.)

[He shall be put in a chamber, and will be naked, without any bed, or shirt or any clothes or other thing, but only the bare earth, and thereafter he shall be naked lying on his back, naked without any vestment about him, having something to cover his member, and let his head be covered and his feet (? eyes) also, and let one arm be drawn toward one corner of the room by a cord, and the other arm to the other corner. And let one

appears from the Custumal (see below, p. 267), condemned the Appellee, if he would not put himself upon an inquest, to lie in prison for a year and a day. Little meat and little drink was he to have during his confinement; but these directions do not imply that he was to be actually starved to death.

Barrington supposes, that the alteration in the original sentence by the different tortures afterwards used, arose from the anxiety of the Justices of gaol delivery to leave the assize town as soon as they could; and that this was the reason which induced them to adopt a less tedious mode of dispatching the Offender. Coke does not mention the further alteration in practice which prevailed in his time. The Criminal was loaded with so great a weight, that he was more speedily delivered from his sufferings, though not without undergoing great agony under the press, which crushed his miserable body^a.

Part II.

Barrington's supposition, that the judges adopted the plan of pressing, or compressing the criminal, in order to enable them to leave the assize town as soon as possible, as they would otherwise have been compelled to wait, till he was dispatched by starvation.

Practice introduced about the reign of Elizabeth of placing such heavy weights upon the criminal as killed him in a tolerably short time.

The tender mercies of cruelty introduced an agreeable

foot be drawn toward one corner of the room and the other foot to the other corner, and let there be placed on his body a piece of iron as heavy as he can endure and carry on him, and over; and the first day he shall have bread made of barley, three mouthfuls, without any drink, and the following day he will have drink thrice, as long as he can, of water which is near the prison gate, running water excepted, without any bread, and that shall be his diet till he is dead.]

^a "Such fellows as stand mute and speak not at their arraignment, are pressed to death by huge weights upon a board, that lieth over the breast, and a sharp stone under their backs; and these commonly hold their peace, thereby to save their goods unto their wives and children, which if they were attainted, should be confiscated to the prince." (Harrison's England, bk. ii. c. 11.) The simple and affecting narrative of the death of Margaret Middleton, (Lingard's England, Vol. VIII. p. 345,) shews that this execution was attended with fearful horror. When Major Strangeways was pressed in Newgate in 1659, he was prohibited the usual "*favour in that kind* to have a sharp piece of timber laid under his back," by which his death would have been accelerated. (Harl. Misc. Vol. IV.) This unfortunate man was attended by his friends, who, at his urgent request, cast the weights upon the engine of torture. The Press-yard of Newgate derived its name from these executions.

Old Bailey practice.—The thumbs of an obstinate prisoner tied together with whipcord, until the torture compelled him to plead.

Part II. variation of torture. It became the custom at the Old Bailey to tie the thumbs of the Prisoner together with whipcord, till they were cut to the bone. In Keelyng's Reports, this is said to have been the constant practice at Newgate^a, and, like the main punishment, continued in use, until standing mute was rendered equivalent to the confession of the Felon.

It is a singular proof of the want of attention to any general principles of legislation, that a custom, equally foolish and barbarous, should have continued so long unaltered. And the subject is one, amongst others, which shews that the English law, "the absolute perfection of all reason," must forfeit many of the encomiums of humanity, which have so long passed current amongst us.

^a Newgate Sessions, 14th Oct. 14 Car. II. George Thoreby being indicted for robbery, refused to plead, and his two thumbs were tied together with whipcord, that the pain might compel him to plead, and he was sent away so tied, and a minister appointed to go to him to persuade him, and an hour after he was brought again, and pleaded. (Keelyng, p. 27.)

"It appears by the Sessions Papers," says Barrington (p. 82), "that this was practised at the Old Bailey, in the reign of Queen Anne. In 1714 a prisoner's thumbs were thus tied at the same place, who then pleaded. And in January 1720, Wm. Spiggot submitted in the same manner, after his thumbs had been tied *as usual*; and his accomplice, Phillips, was absolutely pressed for a considerable time, till he begged to stand his trial. In April, 1721, Mary Andrews continued so obstinate, that three whipcords were broken before she would plead. In December, 1721, Nathanael Hawes suffered in the same manner, by tying his thumbs, after which he continued some minutes under the Press, with 250 lbs. and then submitted. John Durant was also obliged to plead, by tying his thumbs together very tight during the mayoralty of Sir William Billers, in the year 1734."

NORMAN JURIES.

In the printed text of the Grand Coustumier, the word "Enqueste" is substituted for "Jurée," and there are some other variations of language. The separate examination of the Witnesses distinguishes this ancient proceeding from the more modern "Enqueste," in which the witnesses appeared in a body or "tourbe," and gave their joint evidence.

Juries according to the Law of Normandy (see Part I., p. 199).

In Brittany, at an early period, judgments were given by the Scabini, upon the evidence of the Twelve witnesses who were first examined, and afterwards sworn, and this took place in the "Mallum," before the Missus of Nominoe, King or Duke of the Bretons (see p. 271, § 2); the whole process of the Carlovingian jurisprudence was forced upon this Celtic people.

If any doubt could exist as to the origin of the English Jury, the language and tenor of the Norman Custumal would be more than sufficient to remove all hesitation.

L'om doit savoir qe nus ne puet sieurre de murdre, devant qe certaines ensaingnes ensoient trouvées du murdre.

Appeal, or suit of murder, not to be brought, until there are certain indications of the crime.

Se nus n'est qi face sieute ou clamor de murdre, se aucuns en est blasmez communelment, il doit estre arestez par la Justise jusqu' a ung an et ung jour, *a poi de mangier et de boivre*, se il n' offre dedens ce a soustenir l' enqueste du pais.

Persons accused by common fame to be arrested by the officers of justice, and kept in prison upon slender diet for a year and a day, until they submit to an inquest of the country (see above, p. 265).

Et se il la veut soustenir, la Justise se doit porveoir, qe cil de qi il qidera qi en sachent la verité de cel murdre, de quel lieu qu' il soient, vengnent par devant lui soudenement

Inquest men, such as are supposed to know the truth, to be suddenly summoned...and to be separately examined before four knights.

[It is to be understood that no one can bring suit of murder, till clear indications of the crime have been found.

If there is no person forthcoming to bring suit or charge of murder, when some one is accused of it by common report, he is to be imprisoned by the Judge for a year and a day *upon small allowance of food and drink*, if he does not offer sooner to abide an inquest of the country.

And if he is willing to submit to it, the Judge must see to it, that those whom he supposes to know the truth about this murder, to whatever place they belong, should come before him

Part II. et desporveurement, et sans savoir pourquoi; ce est si, qe li ami a celui qi est en prison ne les corrompent ou par proiere ou par louier.

Si doit l'om apeler chascun par soi, par devant quatre chevaliers qi ne soient pas soupçonnels, et enquerre lor diligement se cil qi est en prison feist cel murdre; et quant l' om aura oi lor dis, et mis en escript, cil qi est emprison doit estre amenez devant els. Et li doit l' om demander se il en veut nul seonner, et se il met soufisant seon sus, aucun chose qe il die ne doit estre a riens contée. Mez si le seon qe il met sus, li n' est soufisant, ce qe il dira sera receu ove les autres.

Four-and-twenty jurors.

Tel jurée doit estre faite par vint quatre hommez loiax, et ne mie soupçonnex, qe amour ne haingne ne doit oster de la jurée: et la semonse doit estre faite par feel serjant, qi ne soit corrompus, ne par proiere, ne par louier, ne par amour, ne par haingne, qe il semoingne les plus prodes hommez qe il purra trouver es liex ou le meffet fu fet, et cex qi en sachent la verité.

In case of theft or robbery, jurors to be summoned, in like manner, from the spot where the criminal lived, and cognisant of the fact.

La jurée doit estre soustenue de larrecin ou de roberie. Loiax jureourz doivent estre semons de la ou cil qi est accusé

suddenly and unexpectedly and without knowing why; to prevent the friends of the prisoner from corrupting them by entreaty or bribe.

Accordingly each of them should be summoned separately before four knights above suspicion, and diligent inquiry be made of them, whether the prisoner committed this murder; and when their answers have been heard and put in writing, the prisoner is to be brought before them. And he is to be asked whether he desires to challenge any of them, and if his challenge is sufficient in any case, whatever the person challenged may witness is to be considered as without force. But if the challenge which the prisoner exercises is not sufficient, what the challenged says will be received along with the testimony of the others.

The jury in such a case should consist of twenty-four legal men, quite above suspicion, ineligible neither through love nor hate: and they should be summoned by an honest sergeant not corrupted by entreaty, bribe, love or hate; he is to summon the worthiest men he can find, in the locality where the crime was committed, and those who know the truth of the matter.

In cases of larceny and robbery also, a jury is to be employed. Legal jurors are to be summoned from the district in which the

a conversé, et de la ou l'en dit qe il fist le larrecin, et qe l'om croit qi sachent la verité de ses fez, et de sa vie; et doivent estre si soudenement amenés devant la justice, qe les amis a celui qi est en prison ne les corrompent, si comme nous avoms dit. Part II.

Li baillif les doit prendre segreement par devant quatre chevalers, e demander a chascun par soi, ce qe il set de la vie et des fes a celui qi est accusez, et ce qe il en croient.

Quant il aura oi chascun par soi, cil qi est accusez doit estre amenez devant els, et li doit l'om demander se il en velt nul seoner; se il met souffisant seon sus, aucun chose qe cil die ne li doit puis nuire.

Lors doivent li jureorz estre apelez en commun, et ce qe il auront dit doit estre recordé de par la Justise a celui qi est accuse, et il doivent reconnoistre qe ainssi ont il juré; et sus ce doit maintenant li jugement estre fet, et ce qi sera jugié doit estre acompli sans delai; et ce qe li vint diront soit gardé.

L'om doit savoir qe cil sont apelés *jureours*, qui par le sereement qe il font en cort, sont tenus a dire verité des querelez, selonc ce qe il lor sera encharcié par le baillif, ou par celui

After they have been severally examined they are to be confronted with the accused, who may challenge any one of them, and if his challenge is allowed, the testimony of such juror is to be rejected.

Twenty must concur in the verdict.

General description of jurors.

accused has lived, and from that where he is said to have committed the theft, men who are believed to know the truth about his deeds and his life: they are to be brought so suddenly into court that the friends of the prisoner do not succeed in corrupting them, as has already been said.

The justiciar is to take them privately before four knights, and inquire of each separately what he knows of the life and the acts of the accused, and what they believe about the matter.

When he has heard each of them severally, the accused is to be brought before them, and is to be asked if he desires to challenge any of them; if his challenge is sufficient, anything the challenged says should not thereafter be allowed to injure the accused.

Then the jurors in a body are to be called in, and what they have said is to be repeated by the Justiciar to the accused, and the jurors are to declare that they have sworn to that effect; and thereupon judgment is to be pronounced, and executed, whatever it be, without delay: and whatever twenty of them say shall be maintained.

It is to be understood that they are called jurors, who are bound by the oath made in court to speak the truth in issues, in accordance with the charge delivered to them by the justiciar

Part II. qi sera en son lieu. Quant contens doit estre finez par serement de jureours, *il convient qu'il sachent les circonstances des contens*; si comme des personnes entre qi li contens est, et le lieu, et la cause et la manere.

They are to attend to the circumstances of the matters at issue, and to be acquainted with the persons of the parties.

Causes of challenge.

Li anemi, ne li especial ami, ne li cousin a l'un ne a l'autre, ne nus de qi l'om puisse par certaine raison avoir soupeon d'amour ou de lignage, ou de haigne, ne doivent pas estre recheu au serement. Ne cil qi sont parçoner de la querele, ne cil par qi elle est mené et deffendue; ne cil qi n'est ne prochain ne voisin de la chose de quoi contens est; et cil qi n'est du tens ne du lieu qi en puissent riens savoir, doivent estre ostez du serement; et cil qi sunt repris de parjure et de faux tesmoing porter.

Et pour ce, doit l'om semondre as jurées, les plus prodes hommes et les plus prochainz, et cels de qi l'on croit qi en sachent la verité, et qi ne soient soupeonnels a l'une partie ne a l'autre. Autresi doit l'om faire de cels qi sont communalment blasmé de larrecin d'omicide, ou d'aucun autre crime de quoi il n'est qi les sieue.

Du meffet qi a este fet a ceus qe l'om apele ne puet enqueste estre faite, fors par l'aisens a l'une partie et a l'autre.

or his deputy. When a contestation has to be settled by the oath of jurors, *it is essential that they are acquainted with the circumstances of the disputed matter*, as with the parties to the dispute, the where, the why and the how.

Neither an enemy, nor a close friend, nor a blood relation of either party, nor any about whom a confident suspicion of affection, family feeling or hate might be entertained should be admitted to the oath; likewise those whose interests are involved in the dispute, the parties to the suit, pursuer or defender, he who is neither near nor neighbour to the property in dispute; and he who in point of time and place can know nothing about it must be barred of the oath, as those who have been convicted of perjury, and bearing of false witness.

And for this reason, those summoned on juries must be the most upright and the nearest, and those who are believed to know the truth and are not suspect to either party. The procedure is the same in the case of men charged by common report with larceny, homicide or any other crime, when a prosecutor is not forthcoming.

No inquest can be made into an offence committed against those who are charged with felony, unless by consent of both parties.

Plusorz se seulent accorder, qe se ung homme apele ung autre a mort, et cil qi est apelez veut soustenir l'enqueste du pais, en la forme qe nous avons dite, il la doit avoir, et se il est atains par l'enqueste, il doit estre dampnez: et se l'enqueste le sauve, si soit delivrez, et se il est mis en non-savoir, l'apeleour puet revenir a la bataille, a ce seulent plusors acorder pur abatre les fauces plaintes, ja soit ce, qe plusorz ne veulent pas.

Several authorities are wont to agree that if a man brings a capital charge against another, and the person charged desires to put himself upon the verdict of the country in the aforementioned form, he has a right to it; and if he is attainted by such verdict, he must be condemned to death; and if the verdict saves him, be acquitted accordingly; but if the verdict is indeterminate, the appellor has right to return to trial by battle: this view several are wont to take in order to abate false charges, although several do not accept it.]

(2.)

Notitia in quorum præsentiâ qui subter tenentur, quomodo venerunt monachi, *Conwoion* abbas et *Comdelu* præpositus, in Mallo publico ante Missum *Nominoe*, nomine *Drewalon*, interpellantes *Fetmer* propter campum illorum, nomine *Cam-dou-pont*, quem habebat raptum, et malo ordine exaratum atque seminatum. Et venerunt in ratione, et non dedit *Fetmer* fidejussores, testificantibus omnibus quod inique et mendaciter egisset *Fetmer* rapere ipsam terram. Et testificaverunt duodecim viri franci, hi sunt, *Hobrit*, *Vurwal*, *Burg*, *Antrival*, *Omni*, *Gurgot*, *Vinwocon*, *Tutwallon*, *Roenheber*, *Fitber*, *Yarnwant*, *Risbart*, quod plus esset, et supradicta terra ex tigranno *Acun* in *Langon* qui ad *Conwenran* *Fitmer*; atque juraverunt in altare *S. Petri* quod sic esset verum. Et judicaverunt *Scavini* quod digni erant supradicti viri ad testificandum et jurandum. Hi sunt *Scavini*, *Branoc*, *Jiarnan*, *Arthuïn*, *Catlowen*, *Wowcar*, *Benedic*, *Wathin*. (Lobineau, Hist. de Bretagne, vol. II. p. 74.)

[Memorandum as to how, in the presence of the subjoined, the monks, abbot *Conwoion* and prior *Comdelu*, came in open Mallum before the itinerant judge of *Nominoe*, *Drewalon* by name, charging *Fetmer* because of their field, called *Cam-dou-pont*, which he had seized and held, having in his evil course ploughed

Part II.

Opinion, given with some degree of uncertainty, as to the right of an Appellee to demand an inquest.

Mallum held before the Missus of *Nominoe*, Duke of Brittany.

Conwoion, abbot of Rieux, accompanied by *Comdelu* (*Cyndylan*) his præpositus appears and demands certain lands against one *Fetmer*.

Testimony given by twelve free Bretons, who are sworn to the truth

Judgment by the Echevins.

Part II. and sown it. And they asked for a judgment, and *Fetmer* found no sureties, everyone bearing witness that *Fetmer* had acted unjustly and falsely in seizing that land. And twelve freemen, nameiy, *Hobrit*, &c., bore witness in addition, the aforesaid land was a part of the territory of *Acun* in *Langon* [given] by *Fitmer* to *Conwenran*: and they swore on the altar of *St. Peter* that this was true. And the Assessors declared that the aforesaid men were fit to be witnesses and to be sworn. The Assessors were *Branoc* and six others. (Lobineau, History of Brittany, vol. II. p. 74.)]

From the Cartulary of Redon. There are marked peculiarities in the barbarisms of the Latin employed by the Cymri; and the Breton charters are exactly in the tone and style of the narrative grants contained in the *Liber Landavensis*. *Nominoe* is said to have been appointed Duke of Brittany, or rather of the Bretons, by Louis le Débonnaire, 824. He died in 851, and was succeeded by his son *Erispoe*.

ICELANDIC COURTS.

Ancient courts of the Northmen (see Part I., p. 93).

ICELAND was colonized by the Norwegians before they received Christianity, and the Civil constitution continued, in great measure, free from those innovations introduced in consequence of the increasing prerogatives of the Monarch in the Mother country. It may therefore be concluded, that the usages retained in this remote Island, almost beyond the verge of the habitable world, exhibit the principles of Gothic jurisprudence and legislation in the purest form. The connexion between the religion and the policy of the Icelanders is very remarkable. Priests and Magistrates, whilst the Islanders retained their ancient faith, afterwards, Hereditary Magistrates, the "Godordsmen," were the principal Functionaries in the territorial courts, which formed the basis of the commonwealth. The Herred, or Hundred in Iceland, is stated to have contained three Godords, and the three Priests united together constituted the magistracy by which it was governed. Each Godordsmen chose, or elected, twelve Doomsmen, by whom the

Godordsmen, priests, and magistrates, in the Pagan age, hereditary and territorial magistrates, in the subsequent periods.

Herred, or Hundred Courts, also called the Várthing, or Spring Courts.

Doomsmen named by the Godordsmen, just as the priests of the Eresberg are said to have appointed the Echevins of the Free-field Court of Corbey.

bench was filled, just as the Priests of the Eresberg named the Free Echevins of the Field Court of Corbey. This Court was called the Várthing, or Spring Court, from the time of its assembling.

Each Quarter of the island contained nine ancient Godords; and in the Fierding, or Quarter Court, each Godordsman was attended by one Doomsman of his nomination. When, in after times, the Godord became divided by descent or alienation, still only one Suitor attended on its behalf, who was named conjointly by the owners. The idea of the indivisibility of the political unit was always retained in England. Whatever number of manors arose within the township, still the township was only *one* in the eye of the law. In the Fierding Court were decided all causes which had not been settled in the court below, or when an appeal was made from its authority.

The Quarter, or Fierding Courts, were subordinate in due course to the Fimtardóm, the last court of resort in cases of ordinary jurisdiction; composed of nine Doomsmen, from every Fierding, or thirty-six for the whole land. A fourth bench, or branch, resulted from the nomination, or election of the Lords of the new "Godords" which had been created by the partition of the ancient districts. This species of representation must, from its nature, have been engrafted upon the older constitution; and it is the more remarkable, because the Godordsmen themselves are not expressly noticed as forming a part of the assembly. But when a cause was to be decided by the "Thing," it was referred to a select Body. Six Doomsmen were chosen by the Plaintiff, and six by the Defendant. These were to rise, and, separating themselves from the other Doomsmen, they took their station in the midst of the circle; and their judgment was final and decisive. More regularly defined and reduced into system than our Anglo-Saxon jurisprudence, these proceedings throw great light upon the course occasionally adopted in the Hundreds, when a select body was named by, and out of the members of the court, acting as a tribunal within a tribunal, and who, when an oath was more constantly imposed upon them, became the Jurors of the Hundred, or of the Shire^a.

Fierding, or Quarter Courts.

Fimtardóm, or supreme judicial court, in cases of ordinary jurisdiction, the "Lögretta," (Part I., p. 93,) being the supreme political court, having also an extraordinary jurisdiction.

Causes decided in this court, by a select body of doomsmen. Six chosen by the plaintiff, and six by the defendant.

^a From Arnesen's "Islandske Rettergang."

Part II.

CHANCELLORS, &c. OF THE FRANKISH
MONARCHS.

Chancellors and Referendarii of the Frankish monarchs (see Part I., p. 144).

It appears to be the better opinion, that according to the establishment of the Frankish Monarchs, the Arch-Chaplain and the Chancellor are to be identified^a. Originally, the "Referendarius" was the keeper of the royal signet ring. And this officer was so usually invested with the office of Chancellor, that the titles were used indiscriminately.

^a *Quin et par est credere non olim duntaxat, et prima stante regum nostrorum stirpe, sed etiam sub tertiâ, Capellanos seu Archicapellanos et Cancellarios eodem functos munere, ita ut qui regum diplomata subscribebant, promiscue Archicapellanos et Cancellarios crebro sese inscriberent.* (Du Cange, II. 227.)

[Moreover it is perfectly credible that not merely in days of long ago, when the first line of our kings existed, but also under the rule of the third line, Chaplains or Arch-chaplains and Chancellors performed the same office; so much so, that those who signed the King's charters were frequently in the habit of signing themselves promiscuously, Arch-chaplains and Chancellors.]

Hincmar, in his very curious Epistle "de Ordine Palatii" [Concerning the grades of service in the Palace], certainly distinguishes the officers; but this seems to have been a temporary separation: for the lists published by Du Cange shew that scarcely any instance can be found in which they are not united. —*Apocrisiarius autem, quem nostrates Capellanum vel Capelli custodem appellant, omnem Clerum palatii sub cura et dispositione sua regebat. Cui sociabatur summus Cancellarius, qui A secretis olim appellabatur; erantque illi subjecti prudentes et intelligentes ac fideles viri, qui præcepta regia absque immoderata cupiditatis venalitate scriberent, et secreta illius fideliter custodirent.* (Hincmar, ut supra, 17.)

[Moreover the Chancellor, whom our forefathers used to call Chaplain or Keeper of the Chapel, used to rule all the Clerks of the Palace under his care and disposition. With whom was associated the chief Chancellor, who was formerly called Secretary; he had also under him prudent men of intelligence and fidelity to write out the royal commands free from the unbridled venality of greed, and to faithfully safeguard his secrets. (Hincmar, as above, 17.)]

The practice of preserving writs or rescripts, "brevia," as they were even then called, in the Chapel, is noticed in the proceedings of the Council of Frankfort, A.D. 794. In Scotland, whose law is always the faithful mirror of antiquity, the Chancery was called by the name of the King's Chapel^a, and the phrase is substantially retained to the present day. And in Scotland, also, we find the possession of the Chapel-clerkships leading to the episcopal office, just as in our own ancient history.

Part II.

Besides the examples of these convenient promotions of Royal Chaplains, which I have noticed in my text, I may add the instances of Walkelin of Winchester, and Thomas of York, who received their Sees from the Conqueror. And, in the following reign, Flambard and Losinga, Ralph Lulla, and Johannes Medicus, all being the king's chaplains, and the king's friends, received the best preferments of England^b.—The history of the Chancery must be reserved for another part of this work; and it will be then seen how effectually the King's Clerks worked and laboured in the great task of establishing the law, and in directing the course of jurisprudence; they being placed at the fountain head of the stream.

(Part I., p. 143.)

ANCIENT STATE OF THE BRITONS.

THE wild freedom of the Celtic tribes has always been represented with extreme bitterness by their more polished neighbours; and we may almost suspect, that the "Sassenach" at those periods, when they were reduced into decent order, secretly envied the happy license of the savage community. Archbishop Peckham's letter affords a valuable, though not an impartial, portrait of the Welsh at the time of the English conquest. The rude barbarity which he reprobates plainly resulted from their unchanged adherence to the customs of their ancestors. No better praise could perhaps have been claimed by the Britons. As a political measure, Peckham's recommendation that

Ancient state of the Britons. Archbishop Peckham's Letter to Edw. I. A.D. 1284 (see Part I., p. 60).

^a Thus saith Skeene (Quon. Attach. c. 53.) Gif the breeve is impetrat, and raised according to the form of the King's Chapell, the assize sall proceed.

^b Ord. Vit. 516, 764.

Part II. the Welsh should be brought together in towns was wise and expedient; and the Boroughs founded and incorporated by Edw. I. seem to owe their origin to this advice. The Archbishop's etymology of the name of the Burgundians, is grounded upon a passage in Orosius; which, however, is somewhat embellished by the prelate's ingenuity.

Anno Domini M^o. CC^o. octag. quarto.

A tres honorable Prince e Seygnur *Edward*, Deu grace Rey de Engleterre, Seygnur de Irlande e Duc d'Aquitaine—
Frere *Jan* par la suffrance de Dieu, Prestre de *Canterbyre*,
Primat de tut Engleterre, saluz en graunt reverence.

Sire,—Il me semble qe li poeple de *Gales* est trop sauvages e malicius durement, quaunt a plusurs, e pou sachant de ben, e une gent perdue saunz profit au monde. E si il vus plect, vus i poez mettre conseil legierement en ceste manere, si l'en ne troeve meillur. Primerement, Sire, lur sauvagine, ove autre maus, surt mut de ço ke il ne habitent pas ensemble; eins meint chescun loinz de autre. E pur ço, Sire, si vus volez, ke l'en les puist enfurmer, sulum Dieu et sulum le monde, e oster lur sauvagine, comaundez ke il meynent ensemble en villes. Issi le fist uns Empereres auncienement as *Burgoynniuns*, qui esteient larruns e murderieres, e habitoyent tuz sevez e loinz cheskun d'autre, kar il les fist

[Anno Domini 1284.

To the Most Honourable Prince and Lord, *Edward*, by the grace of God, King of England, Lord of Ireland, and Duke of Aquitaine, Brother *John*, by the forbearance of God, Priest of *Canterbury*, Primate of All England, wishes health in great reverence.

Sire,—It seems to me that the people of *Wales* are very wild and illwilled, that is to say, most of them, and have little knowledge of what is good, and are a lost race without any profit in the world. And if it please you, you may easily try the following plan, if you cannot find a better. First, Sire, their savagery and other evils arise largely from their not dwelling together, but each lives far from the other. And for that reason, Sire, if you wish to reform them for God and for the world, and to take away their savagery, order that they dwell together in towns. Thus did one of the Emperors of old to the *Burgundians*, who were thieves and murderers and dwelt all separate and far from each other; for he made them live in company and dwell in boroughs, wherefore they are called

ensembler e habiter en burgs; e de ço sunt il apelés, *Burgoynniuns*^a. Ovek ço, Sire, la malice des *Galeys* surt mut de leur oysufté, kar il sunt oysus, e pur ço pensent il tute malices. E pur ço, Sire, comaundez ke cheskun segun sun estate face chaskun jur aukune chose, issi ke l'en sache dunt chascun ad sun vivre. E jo ay comaundé d'autre part ke l'en sustreie les sacramenz de Seynte Eglise as oysus: pur ço ke nul n'est en estat de salu qui aukun profit ne fet au monde. E pur ço, Sire, pur Dieu, la manere de vivre de *Wysshambighan*^b comaundez oster de tut. Oveke ço, Sire,

Burgundians. Moreover, Sire, the malice of the *Welsh* arises greatly from their idleness, for they are idle and therefore meditate all kinds of malice. And, therefore, Sire, order that each, according to his estate, do some work every day, so that it can be known whence each has his living. And I have on my part given command that the sacraments of Holy Church be withheld from those that are idle, for none is in a state of salvation who does no profit to the world. Wherefore, Sire, for God's sake, command that the manner of living of the "*Young lads*" cease entirely. Moreover, Sire, the people will

^a Hos quondam subactâ interiori Germaniâ à Tiberio et Drusone, per castra dispositos, aiunt in magnam coaluisse gentem: atque ita nomen ex opere præsumpsisse, quia crebra per limitem habitacula constituta Burgos vocant. (Orosius, lib. 7, c. 19.)

[It is said that, at the time when the interior of Germany was subdued by Tiberius and Drusus, these peoples, scattered in various camps, were united into one great nation: and that thus they took their name from their act, because they give the name of Boroughs to groups of dwelling-places established throughout their territory.]

^b The "*Gweison bychan*," or "*young lads*," were juvenile retainers of the *Welsh* Court, who, like most of the followers of the *British* Princes, were entitled to quarter themselves upon the *Villains*. The *Welsh* youth, as we learn from Giraldus, delighted in the sports of the field, and, possibly, the Archbishop, in his zeal for the amendment of the "*savages*," may have thought that an immunity which tended to encourage their roving and marauding disposition was likely to impede the civilization of Edward's newly-acquired and turbulent subjects. He recommends that the way of living of the "*Boys*" should be wholly prohibited; and, like all the other customs connected with the policy and court of the *British* princes, it was very

Part II. jamés le poeple ben ne savera, ne bon ne serra, deske a taunt ke il eyent genz, qui les sachent enseigner, e ço ne poent estre, si l'en ne les destreint de envoyer lur enfaunz en Engleterre pur apprendre clergie et maniere: kar ly clerc du pays ne sevent gere plus de lettre ke ly lay. Par la queu chose, Sire, a vus qui en estes Sires, jo delivere ma conscience en la foy ke jo vus doy, ke james cele gent ne serra en estat de valur et de pes seure, ne profitable au monde, deske il meynent ensemble, et ke il oevrent sicume autre genz; e ke il eyent enseynement de genz qui les sachent e voyllent aprendre. Ovek ço Sire, si il vus semble ke mun Seygnur *Seynt Thomas* deyve estre plaunté en vostre nouveau conquest si come vous avez premys, si il vus sovient, fetes ent vostre pleysyr nun pas pur moy, kar tres ben me suffisent les tres graunt honeurs que vos genz unt fetes a moye a miens par tute la terre par vostre comaundement. Sire, Dieu vus gard a tuz jurs. Ceste lettre fu escrete a *Newport* lendeymen de la *Translaciun Seynt Thomas*. (Register Peckham, Lambeth Library, f. 446.)¹

never know what is right nor be good, until they have people who know how to teach them, and that cannot be, if they are not forced to send their children to England to learn letters and manners; for the clergy of that land has scarcely more learning than the laity. Wherefore, Sire, to you who are its Lord, I deliver my conscience in respect of the faith which I owe to you, that never will that race be in serviceable order or stable peace, or profitable to the world, until they dwell together and work like other men, and until they have teaching from men who know how and are willing to teach them. Moreover, Sire, if it seem good to you that my lord, *Saint Thomas*, should be planted in your new conquest, as you have promised me, if you remember, do your pleasure in that matter, not for my sake, because I am more than satisfied by the very great honours which your people have done to me and mine throughout all your land by your command. Sire, may God keep you ever. This letter was written at *Newport*, on the morrow of the *Translation of St. Thomas*. (Peckham's Register, f. 446.)]

speedily suppressed. Edward, however, was too good a financier to grant a gratuitous release of this onerous prerogative, and the service of finding "hospitation" was commuted into a pecuniary payment. Thus, in the extent of Denbighshire, taken in 1342, amongst the various payments due from the Cantred of Ruveniog, are enumerated, "Pastus Penmackew, et waison baghan ixs. iiid."

BATTLE TRIALS.

Part II.

THE most whimsical of these conflicts is that described, in an ancient German Customal, as having taken place when a Woman and a Man were engaged in single combat.

Various Battle Trials—
(see Part I., p. 180).

In order to equalize the strength of the Combatants, the Male Hero was placed in a circular pit, in which he stood as low as his girdle, armed with an oaken club or staff, of the length of a good cloth ell. The Virago, on her part, was furnished with a sling or rope of equal measure, and at the end of the sling was tied a heavy stone; with this weapon she endeavoured to fell her Antagonist. He parried and shifted as well as he could, striving to twist his club in the sling. If he succeeded, he would be in the way of winning the fight, for the sling was tied to the Woman's arm, and he could drag her easily within reach of his fists and staff, and then she was at his mercy; yet even with this advantage the victory might not always be an easy one^a.

Battle between a male and a female—how managed so as to put the parties on an equality.

Amongst the ancient Bavarians the weregeld for a woman was twice that of a man, on account of her feminine weakness. But if she was such a Woman, as in the boldness of her heart would stand up, and fight like a man, then her life was worth only as much as the lives of her brethren; she could protect herself, and did not require the additional safeguard of a double penalty.

The ancient law of the Angles furnishes the incidents so often found in legends and in romance. If the Wife was accused of poisoning her Husband, or having otherwise compassed his death, her nearest Kinsman was to justify her in the field. But if no Champion was found, then like Queen Emma, she was to prove her innocence by treading with naked feet over burning ploughshares^b.

Amongst the Angles a married woman, accused of the murder of her husband, might be defended by her kinsman as her champion.

In this case the causes prompting the Battle Trial still appear with sufficient distinctness. If the Friends of the Husband slew the Woman without cause, her Kinsmen would have attempted to avenge her death. Battle, when converted into a judicial process, compelled all parties to pause. The Kinsmen had an opportunity of forming some judgment upon the case. If they should think her innocent,

(Part I., pp. 181, 182.)

^a Dreyer, *Sammlung vermischter Abhandlungen*. Rostock, 1754, p. 159.

^b LL. *Bajuv.* Tit. iii. cap. 15. *Lex Anglorum*, Tit. xiv.

Part II. they might legally take up her quarrel: if not, they abandoned her to her fate.

Battle Trial, how employed by the ancient Bavarians to decide the possession of land—viz. when no proof could be found of the contested boundaries, in which case the Battle Trial is to be considered as the one combat which was to settle the rights of all parties.

In addition to the passages quoted in the text (Part I., p. 182), the laws of the Bavarians furnish other clear examples of the original nature of Battle Trial. A controversy might arise concerning allodial land. It might happen that the metes and bounds were unevidenced by any land-mark or march-range,—neither by hill nor dale, by the course of the stream, nor by the noted tree.—Each of the contending Parties asserted that the property had descended to him from his ancestor. If, under such circumstances, no other proof could be found, then the parties were to give gage of battle, not by Champions, but in their own proper persons, and to him unto whom the most strength was given, the disputed property was to belong^a.

^a Quotiens de commarchanis contentio nascitur, ubi evidentia signa non apparent in arboribus, aut in montibus, nec in fluminibus, et iste dicit: Hucusque antecessores mei tenuerunt, et in alodem mihi reliquerunt, et ostendit secundum proprium arbitrium locum; alter vero nihilo minus in istius partem ingreditur, alium ostendit locum, secundum prioris verba suum et suorum antecessorum semper fuisse usque in præsens asserit. Et si alia probatio nusquam inveniri dinoscitur, nec utriusque invasionem compensare voluerint, tunc spondeant invicem *Wehadinc*, quod dicimus, et in campiones non sortiantur, sed cui Deus fortiam dederit et victoriam, ad ipsius partem designata pars, ut quærit, pertineat. (Lex Bajuv. tit. xii. cap. 5.)

[Whenever a dispute arises between two parties whose lands are adjacent and when no plain landmarks appear in the shape of trees or mountains or rivers and one of the parties declares:—"Up to this point my ancestors held it and bequeathed it to me as allod" and points out a spot according to his own judgment; but the other none the less proceeds to the former's part and points out another spot and asserts in the words of the former speaker that it has belonged to his ancestors and to him up to the present time; and if no other proof can be found on inquiry and neither of them is willing to give compensation for the other's act of aggression, then let each in turn pledge himself to *Wehadinc* as we call it, and let them not take the field by means of champions but let the allotted part under question be added to his part, to whom God shall give strength and victory. (Law of the Bavarians, tit. xii. cap. 5.)]

What was this, but a provision of the law, by which *one* conflict was substituted for an endless feud? To use a colloquial expression, it was thought better that the disputants should fairly fight the matter out and out, instead of keeping the country in a state of constant disturbance. Part II.

The improving policy of the Lombard kings led them to discourage the judicial combat. Grimoald, repeating in substance the laws of Rothar (i.e. Red-hair, or Rufus), his predecessor, enacted, that thirty years possession excluded the battle trial, and left the question to be decided by the compurgatory oath of the party^a. By a subsequent law,

Amongst the Lombards, Grimoald enacts, that thirty years possession shall be a bar to a battle trial. But Liutprand restores the battle, if such possession was grounded upon a fraudulent title.

^a *Leges Grimoaldi*, § iv. *Leges Liutprandi*, Lib. vi. § 115. The formula which is annexed to the latter, is a good example of the Lombard pleadings, which have a very strong affinity to the course of common law.

Petre, te appellat Martinus, quod tu tenes sibi malo ordine terram in tali loco. Mea propria est terra quam dicis. Quid tibi pertinet? Ecce carta, quam tu mihi fecisti. Et si non voluerit pugnam facere appellator, tunc appellatus, postquam bellum factum est, quod possederit terram illam per xxx annos, non audiatur.

Secundum quosdam ita igitur. Alii vero ita.

Petre, te appellat Martinus, quod terra quæ in tali loco est, sit sua: tu sibi eam detines. Non ei respondeo, quia possedi per xxx annos. Vere possedisti, sed per chartam falsam, quam dixisti patrem meum fecisse tibi. Non est verum. Ita approbabo.

Vel ita. Vere possedisti sed malo ordine, et malo titulo. Non malo ordine, quia patruelis tuus mihi eam vendidit per chartam. Illa charta falsa est.

[Martin makes his appeal against you, Peter, for that you do in evil course withhold from him land in such and such a place. The land which you mention is my own. Why does it belong to you? Behold the deed which you did give me. And if the appellor is unwilling to resort to battle, then the appellee, after a battle has been fought, may not be heard because he has held possession of the land for thirty years.

According to some that was the mode of procedure. According to others as follows:

Martin makes his appeal against you, Peter, for that the land which is in such and such a place is his: you are keeping it from him. To this man I make no response,

Part II. Liutprand restored the battle, if the possession had been grounded upon fraud. And the allegation of forgery, when the title deed was produced, compelled the tenant to enter the field. This was a concession to popular feeling. It was the opinion of the Nation prevailing against the opinion of the King. The Legislator was fully aware of the uncertainty of these appeals, which tempted Providence; and that many a good and righteous claim had been defeated by the chance of battle; but so inveterate was the custom of the Lombard Nation, that he could not prohibit this "impious law."

The Lombard form of waging battle agrees with the practice of the common law; and the Norman Customal is to the same effect. And it is very difficult to believe, that this purely Teutonic ceremonial was not introduced here until after the Conquest: and that, according to the usual opinion, the Anglo-Saxons were strangers to an institution which was known to all their brethren.

ANGLO-SAXON CHARTERS, &c.

Conveyances of land amongst the barbarians prepared by the clergy, by which means, a general uniformity of style was introduced.

CONVEYANCES of land, as employed amongst the Teutonic nations settled upon Roman ground, were almost exclusively prepared by the Clergy; and as the Clergy constituted but one body throughout all Christendom, a general uniformity of style was soon introduced. All the monks of Latin Europe were virtually bred in the same college. The members of the church were constantly in migration from province to kingdom; and a good precedent carefully settled at Monte Cassino was rapidly transmitted to the "Scriptorium" at Worcester or at Canterbury. Therefore we need not wonder if we find that most of the Anglo-Saxon

because I have held possession of it for thirty years. Quite true! You have held possession of it, but by false deeds, which you declare that my father gave to you. It is not true. I will prove it to be true.

Or again as follows: You are in truth in possession of the land, but in evil course and with bad title. It is not bad because your uncle sold it to me by deed. That deed is false.]

technical terms are translated from the vulgar Latin of the continental practitioners. Thus, the "land boc" was the "libellus," and "gebocian" was used like "libellare," to grant or convey.

Part II.

Limited estates in land,—not descendible or transmissible, according to the rules of law—governed by the agreement of the parties—and requiring a formal renewal, when the term, whether more or less extensive, for which they had been granted, expired, were termed *Precariæ*. They were obtained, not by right, but upon solicitation;—and because only the occupation of land passed,—the estates so created were called *Prestariæ*, or *Præstitæ*, which the Anglo-Saxons termed "Læna," or Loans^a. The Grantor

(See Part I., p. 52.)
Precariæ, Prestariæ, or Præstitæ, land solicited from a superior, and granted, or lent by him for a qualified and determinable estate.

These lands called "Læna" or Loans by the Anglo-Saxons.

^a For this assertion, we have sufficient authority in the very remarkable record, concerning the six sollows of land at Worldham or Wuldham (Text. Roff. 116, 117). The land originally belonged to the Church of Rochester, and had been usurped, or resumed by the Crown. Ælfstan bought the domain from King Edmund, and it was "geboced" to him and his heirs for ever. It appears, that the land must have been partible according to the gavel-kind; but Ælfh, his eldest son, kept possession of the whole, and excluded his brother, Ælfric, from all right to the land. He was to stand in the situation of a stranger, and to have nothing, except what he could earn, or deserve by his service. But at last, from natural affection, he granted certain lands to him, but for his life only; and as a "Læn" or "in prestito," and not as an inheritance. Upon the death of Ælfric, his brother resumed the "Læn," but he granted it out again to Eadric, the son of Ælfric. Eadric died in the life-time of Ælfh "cwideleas" leaving a widow, but no child. Ælfh then re-entered upon the land, and resumed the "Læn," but granted to the widow her "Morgengife," or dowry. It should seem, that although the "Læn" was not transmissible to heirs, and that upon the determination of the life-estate, it reverted, by law, unconditionally to the Lord, still that the custom of allowing the son to succeed to his father's "Læn," and the widow to enjoy her dowry, began to prevail. "Cwideleas," in the old version, which accompanies the Saxon text, is translated "absque commendatione vel distributione rerum suarum" [intestate and without division of his goods], but in this case, it implies, as I apprehend, that Eadric did not in his life-time prefer any request to Ælfh, that the estate might be allowed to his relict.—"Læn-land" not being transmissible,

Part II. had the property, the Grantee had only the usufruct. Such an estate was also considered as an Emphyteusis. The words *Precariæ* and *Emphyteusis* were employed as if they were synonymous. Thus a charter granted in the reign of Berengarius II. (950—961), contains the following clause—“Non habent potestatem ipsum *Xenodochium* nemini in *emphyteusin*, id est *precariam*, dandi aut concedendi.” [They have no power to grant or yield the guest-house itself to anyone as an *Emphyteusis*, that is *Precaria*.]

Precariæ also termed benefices.

Qualified estates like the Roman benefices (Part I., pp. 207, 209, 210).

Examples shewing that the terms were synonymous.

Precariæ and *Præstitæ* were Benefices; the expressions used in ancient documents leave no doubt that originally the words denoted one and the same thing in the Romano-barbaric laws, and their legal incidents gave them much affinity to the military Benefices of the Lower Empire. They were qualified estates, held upon condition, and descending, when and if they did descend, not by the general law of inheritance, but in terms of their creation.

“*Prædictas res sub beneficio Præstariæ cum omni integritate eo tenore concedimus, ut quamdiu præfatus Artoldus et Adelizia futura ejus uxor et heredes ex eis nascituri vixerint, usumfructum exinde percipiant*.” [The aforesaid property we have granted, in all integrity, by way of *Benefice* on this condition that so long as the aforesaid Artold and his future wife Adelizia and the heirs that may be born to them shall live, they may enjoy the usufruct thereof. Archives of the Monastery of St. Andrew of Vienne. (Du Cange, I. p. 1118.)]

The petition presented to Charles the Bald, by the Bishops, in the memorable great Council or Placitum held at Epernay, 846, contains the following request: “A nullâ potestate quis cogatur facere *precariam*, de rebus proprie Deo et sanctis illius; dicatis, cum ratio et usus obtineat, neminem cui non vult, contra utilitatem et rationem *præstitum* de proprio facere *beneficium*.” [Let no man be

except at the will of the Lord, is distinguished from Boeland, held up for three lives; in which case, the two nominees of the grantee took their estate under the power contained in this charter. (Hemingi Cartularium, 94, 158, 204, 205, and the Charters appended to this essay.)

^a *Tabularium Monasterii Sancti Andreæ Viennensis.* (Du Cange, I. p. 1118.)

compelled by any power to make “*precaria*” of the things that belong to God and his saints. We pray thee declare that no man who is unwilling, though reason and practice may sanction the case, be forced to make a *benefice* of what belongs to him contrary to the public benefit and reason.] Part II.

In the precedents for regranting, as a *Benefice*, the lands which had been surrendered to a monastery, the transaction is thus described: “*Postea ad petitionem tuam non denegavimus, nisi ut ipsas res ad præstitum beneficium tibi præstare deberemus.*” (Marculfi Formulæ, App. 28.) [Furthermore we have not refused your *petition*, except in so far as we are bound to offer you the lands only as a *benefice*.] So of lands originally belonging to the monastery: “*Dum tua fuit petitio vel supplicatio, et nostra decrevit voluntas, ut præstitum beneficium de rebus nostris tibi facere deberemus.*” (Formulæ Lindenbrog. 26.) [Seeing that the *petition* or *supplication* was yours and that our will determined that we ought out of our lands to create for you a *benefice*.] And for such *Benefices* also, the vassal prayed his temporal Lord^a. It is not correct to suppose that the terms

^a The following Precept of Charles le Chauve, affords an instructive example of such a grant:

A.D. 876. In nomine sanctæ et individuæ Trinitatis, KAROLUS ejusdem Dei omnipotentis misericordia Imperator Augustus. Si petitionibus fidelium nostrorum justis et rationabilibus assensum præbemus, Imperialis celsitudinis operibus consuescimus, et exinde eos ad nostræ celsitudinis obsequium fideliores ac devotiores reddimus. Itaque notum sit omnibus fidelibus sanctæ Dei ecclesiæ et nostris, præsentibus scilicet ac futuris, quia quidam fidelis noster, nomine *Hildebertus*, culminis nostri adiens serenitatem, *deprecatus* est, ut ei quasdam villas, quæ appellantur Cavaliacus et...quæ sunt sitæ in comitatu Lemoicensi, *usufructuario* et *jure beneficiario* omnibus diebus vitæ suæ, et filio suo post eum, per hoc præceptum nostræ auctoritatis concederemus. Cujus precibus ob sui bene meritum famulatum assensum præbentes, hoc scriptum fieri jussimus, per quod concedimus ei jam dictas villas, cum omni sua integritate, cum terris, vineis, silvis, pratis, pascuis et cum hominibus desuper commanentibus, ut absque alicujus immutationis sive imminutionis vel minorationis detrimentis, omnibus diebus vitæ suæ, et filius ejus post eum, ut prædiximus, *jure beneficiario* et

Part II. *præstitæ* and *precaria* were confined to church holdings; this impression has arisen merely from the circumstance that a greater mass of documentary information relating to the church has been preserved, than with respect to the temporality.

About the eleventh century these benefices acquire the name of Fiefs or Fevds.

Feif or *Feud*, derived from *emphyteusis*, or *emphytefsis*.

It is generally admitted, by the best authorities, that from about the eleventh century, Benefices acquired the name of Fiefs or Feuds. An Emphyteusis was a Precaria, a Precaria a Benefice, a Benefice a Feudum, or rather Fevdum, and no better etymology can be found for this last term, than by supposing that it is a colloquial abbreviation

usufructuario habeant et possideant. Et ut hæc nostræ auctoritatis præceptio plenior et firmitatem in Dei nomine obtineat firmitatis vigorem, &c. (Recueil des Historiens, vol. VIII. p. 654.)

[A.D. 876. In the name of the holy and undivided Trinity, CHARLES by the mercy of the same Almighty God, Emperor and Caesar. If we give assent to the just and reasonable petitions of our faithful subjects, we do so in accordance with the usual practices of Imperial Highness and we forthwith render our subjects more faithful and more devoted to their bounden duty towards our Highness. Wherefore let it be known to all the faithful of the holy church of God and to our own subjects, present and future, that whereas a certain faithful subject of ours, by name *Hildebert*, approaching the serenity of our Eminence, has made petition that we should grant to him by this precept of our authority, all the days of his life and to his son after him, certain farm-lands which are named *Cavaliacus* and which are situated in the county of *Limoges* according to the law of *usufruct* and *benefice*. Granting assent to his prayers because of the great merit of his services to us, we order this writ to be made, by which we grant to him the aforesaid farm-lands, entirely, with lands, vineyards, woodlands, meadows, pasture-lands and with the men that abide thereon; so that without loss arising from any change, impairment or lessening, he may hold them and possess them according to the law of *benefice* and *usufruct*, as we have said before, all the days of his life and his son also after him. And that this precept of our authority might have a fuller and stronger measure of strength in the name of God, etc. (Bouquet. Recueil des Historiens, vol. VIII. p. 654.)]

of "Emphyteusis^a." This derivation may appear far-fetched; but let those who object to it point out a better, and I will then give it up, but not till then, for I really cannot find out one more satisfactory, amongst the numerous guesses and conjectures of Lexicographers and Antiquarians^b.

^a From Emphyteusis (pronounced Emphytefsis) the Italians have formed "*Fitto*." I doubt if the word *Feudum* ever existed. It cannot be too often recollected, that the *u* and the *v* are but one letter in ancient manuscripts, and that we owe the distinction between the vowel and the consonant, to the ingenuity of Trissino. The older form seems to have been *Fevodium* (Charpentier, vol. II. p. 420), and I suspect that Emphytefsis was first contracted into *Phitef* or *Fitef*, and then into *Fiev* or *Fief*, afterwards latinized into *Fevodium*, which some contracted into *Fevdum*, and others, by omitting the *v*, into *Feodum*. In the Scottish language the verb is to *infeff*, not to *infeud*. It is hardly necessary to observe, that the words—*Alms*, *Obispo*, *Evesque*, *Vescovo*, *Don*, *Dom*, *Mossen*, *Vidame*, *Na*, exhibit abbreviations and transformations quite as unlike the original root, as that for which I contend.

^b As may be fully seen by the following enumeration of the sources in which the origin of the word has been sought. Some in the Latin language, from *fides*, or *foedus*, or *fidelitas* (Obertus and Johannes de Janua). Matthias Berneggerus, from the Hungarian *feld*, earth; which, by the way, if really a Magyar word, is also good Norsk. Pontanus, Hottoman, and Sandius contend for *faida* (Alem.), *feide* (Dan.), *vehd* (Germ.)—battle-feud or dissension. Grotius, Selden, Wachter, and Robertson tell us that *feodum* is compounded of *od*, possession or estate, and *feo*, wages or pay, intimating that it was stipendiary, and granted as a recompense for service. And Gundlingius, adopting the same syllables, takes *feo* in its sense of cattle, and expounds *feodum* as "*bonum rusticum vel pecuarium*." Upon all the Teutonic etymologies it is sufficient to observe, that the theories are contradicted by the *practice* of the Teutonic tongues—a *Fevd* or *Fief* is not called by such a name, or by any name approaching thereto, in any Teutonic or Gothic language whatever. *Lehn* is the *only* corresponding Teutonic term.

About the reign of Henry I. a knight's fee was called a *Knyghtesmetehom* (Shaftesbury Charters, Mon. II. p. 477), a knight's place or "home" of "meat" or maintenance. We have retained this term as applicable to ecclesiastical *Benefices*, and in Hampshire, the people call any holding of land a *Living*.—John

Part II. Hallam observes, and truly,—“It cannot be doubted, but “that some word of barbarous original must have answered “in the vernacular languages to the Latin *Beneficium*.” Certainly.—And the word which does so answer, in *all* the Teutonic vocabularies—ancient and modern, living and dead—Anglo-Saxon, Danish, Swedish, German, &c. is *Læn*, *Len*, *Leen*, or *Lehn*^a. The essential and fundamental principle of a territorial Fief or Feud, is, that the land is held by a limited or conditional estate,—the property being in the Lord, and the usufruct in the Tenant. Military service and territorial jurisdiction, and the bond of fidelity, present themselves as the most prominent features of feudality; but we must recollect that they are not the foundation of the system, but adjuncts, which, however important they may have become at subsequent stages of its history, do not constitute its basis, or impart the essential character of the Tenure.

No word corresponding to fief or feudum in any of the Teutonic languages, except *Lehn*, and its cognate terms.

Anglo-Saxon Charters.

In selecting the following Charters, I have endeavoured to give the preference to those which elucidate the constitutional history of the Anglo-Saxon Kingdoms.

The series of these instruments begins with the Charter by which Ethelbert (A.D. 605) founded the monastery of St. Peter and St. Paul, afterwards called St. Augustine's abbey. The abutments are accurately given; and it may be remarked, that the *Burgate*, the road or street named as the southern boundary of the land, retains the same identical name, without any variation, after a lapse of twelve hundred years^b.

Ethelbert's foundation charter of St. Augustine's monastery.

Boundaries accurately described. *Burgate*, i.e. the *Burh-gat* (the borough-street, or borough-road) still retains its ancient name.

Spong's Living is John Spong's farm. Not the large overgrown farm of a “capitalist,” formed by uniting field to field, and acre to acre; but just such a hame or home as would give *meat* or maintenance to a yeoman and his family. These Livings, unfortunately for landlord and for tenant, and still more for the country at large, have been almost wholly swept away by the march of agricultural improvement. The Workhouse will tell the consequence.

^a See Wachter, Schilter, Halthaus, Ihre, and Junius, in his Glossary appended to *Ulphilas*.

^b Ethelbert's Tower has recently been laid in ruins by the obstinacy of an ignorant mechanic; and in consequence of the supineness of the corporation, the same fate is preparing for the sumptuous portal, almost the only remaining relic of a pile whose

As the information obtained from Charters, when they stand the test of criticism, is of the highest importance, it becomes necessary to use much caution before we admit their validity. At the same time, however, that we subject them to critical examination, we must take into consideration those circumstances which may impart a character of suspicion to authentic documents. There are many Instruments in the shape and form of original charters, but which are probably copies, made long after the Conquest, for use and perusal; and to prevent the injury which might result to the ancient "Land-boc," if touched by rude or careless hands. Occasionally, the Calligraphist attempted, not merely to repeat the words, but to depicture the ancient characters; and as these imitations are easily detected by the skilful Antiquary, he may be induced to condemn as a forgery, a document which was merely intended to be an innocent facsimile. The same reasons which occasioned the Clergy to make transcripts of their charters in detached schedules, or membranes, also induced them to enter such muniments in Chartularies or Registers. Great judgment and accuracy are sometimes displayed in these collections^a. But the indolence of the Monk would frequently induce him to omit the subscriptions of the charter. Successive copyists modernized the language, and reduced the pure Anglo-Saxon of Ethelred to the Anglo-Norman or English of the Plantagenets;—the ignorant Clerk corrupted the document,

history is coeval with the establishment of Christianity in England. The example afforded to the corporation by the Dean and Chapter ought to shame them out of their Vandalism. The restoration of the cathedral, effected under the inspection of Dean Percy, now Bishop of Carlisle, *without the aid of any professional architect*, exhibits an union of skill, contrivance, and correct taste, which has been rarely equalled, and never surpassed.

^a In the most valuable chartulary of Worcester, from which many of the following documents are taken, for instance, the transcripts which we owe to the care of Hemingius leave nothing to be desired. This is also the case with the "Textus Roffensis." Some of the original charters which it contains are yet extant in the Museum, and they agree so closely with the printed text as to afford the strongest testimony of the care and accuracy of those to whose successive labours we owe the printed book—Ernulphus, Sir Edward Dering, and Hearne.

Part II.

Anglo-Saxon charters sometimes incur undeserved suspicion.

Copies of ancient charters made in *charter-form*, that is to say, upon membranes, or pieces of vellum, and intended for ordinary use, to prevent damage to the originals, sometimes considered as forgeries in consequence of the character of the handwriting not agreeing with the ostensible date.

Omissions and alterations in the copies arising from carelessness or ignorance.

Part II. unintelligible to him, into the most barbarous jargon^a;— and in some instances, a more skilful, but equally injudicious Scribe, has destroyed the credit of the “Land-boc,” by translating its antique phraseology into terms which were more familiar to his contemporaries.

Cases in which forgeries may be detected by the handwriting, and by the spurious embellishments of the charters.

Interest may have tempted the monks to commit forgery; and they did not always resist this temptation so resolutely as might be wished for the honour of their order. Yet in extenuation, if not in apology of this offence, it must be remembered that their falsifications were chiefly defensive. Lands which unquestionably belonged to the Church were frequently held merely by prescriptive possession, unaccompanied by deeds and charters. The right was lawful, but there were no lawful means of proving the right. And when the monastery was troubled and impleaded by the Norman Justiciar, or the Soke invaded by the Norman Baron, the Abbot and his brethren would have recourse to the artifice of inventing a charter for the purpose of protecting property; which, however lawfully acquired and honestly enjoyed, was like to be wrested from them by the captious niceties of the Norman jurisprudence, or the greedy tyranny of the Norman sword. These counterfeits are detected by the pains which were taken to give them currency. It is familiarly known, that the Anglo-Saxons confirmed their Deeds by subscribing the “Token” of the “Rood”; and the charters are fairly but plainly engrossed upon vellum. Instead of imitating these unostentatious instruments, the elaborate forgers often endeavoured to obtain respect for their fabrications by investing them with as much splendour as possible. But the Crosses of gold, vermilion, and azure, which dazzled the eyes and deceived the judgment of the Court, when produced before a Bench of credulous, honest, and unsuspecting Lawyers, now reveal the secret fraud to the shrewd Antiquary. According to Ingulphus these modes of adornment prevailed long before the reign of the Confessor. The foundation charter of Croyland, purporting to have been granted by Ethelbald, is richly ornamented in

Croyland charters manifestly spurious.

^a The exemplifications of Anglo-Saxon charters on the Tower Rolls are corrupted in the most extraordinary manner. Yet the clerks of the Chancery always attempted to copy these muni-ments in an Anglo-Saxon character.

the manner which I have described, whence it obtained the name of the "Golden Charter," and the ancient "Chirographs," gay with paintings and illuminations, and the charters of the Mercian kings covered with embellishments, are enumerated by Ingulphus amongst the treasures which were consumed, when the monastery was destroyed by fire in the year 1091. But I can state, upon the information of Mr. Petrie, the most competent living authority, that there is no charter of this description which is not manifestly spurious, and unless it be supposed that all the genuine illuminated charters in England perished by sympathy, when those at Croyland felt the flame, we must infer that the monk who compiled the history attributed to Ingulphus erred, either through ignorance or design^a.

Monastic charters relating to exemptions from episcopal jurisdiction, lie under a general suspicion, not entirely undeserved. The proceedings between the Bishop of Chichester and the monks of Battle, will sufficiently exemplify the extreme eagerness with which the monks watched their real or supposed immunities. Papal Bulls were occasionally manufactured for this purpose. Of these fabrications we have a remarkable testimony. A monk of the abbey of St. Medard being on his death-bed, confessed, with great contrition and repentance, that he had forged numerous bulls of exemption in favour of various monasteries,—the abbey of St. Ouen in Normandy, and of St. Augustine's, Canterbury, being amongst the number, to the prejudice of the rights of their Ordinaries. Certificates of this acknowledgment were sent to the Archbishop of Canterbury, under the seals of the Archbishop of Rouen, and of the Bishop of Evreux, and the originals are extant in the archives of the Cathedral^b.

(See above, p. 30, &c.)

Papal Bulls not infrequently forged, in order to ground claims of exemption from episcopal jurisdiction.

Extensive forgeries committed by a monk of the abbey of St. Medard, who confesses on his death-bed, that he had thus attempted to prejudice the rights of the see of Canterbury in favour of St. Augustine's monastery.

^a The "Golden Charter" of Croyland has not been seen since the year 1734. It was then exhibited to the Society of Antiquaries by Mr. Lethieullier, who obtained the loan of it from Robert Hunter, Esq., Lord of the Manor (Gough's Croyland, Pref. p. viii.). In the opinion of Humphrey Wanley, "it was not much older, if anything at all, than Henry the Second's time." From the facsimile published by Hickes (Diss. Epist. Tab. D.), I suspect that it is even of later date.

^b *Anglia Sacra*, Vol. II. Pref. p. v., and from the information of Mr. Petrie.

Part II.

Declamatory and turgid style of the charters of Edgar and his successors. Greek words frequently introduced.

This affectation noticed by Malmesbury.

(See below, p. 295.)

From the time of Edgar, the style of the Anglo-Saxon charters becomes extremely turgid. The recitals are couched in a strain of the most inflated eloquence—to be equalled only by the preambles of the patents of creation in the reigns of Queen Anne and George the First, preserved with so much zest and industry by gentle Collins.¹ Greek words are frequently introduced; and sometimes it is scarcely possible to extract any definite meaning from the clauses. This declamatory style has erroneously been considered as a proof that such instruments are monkish forgeries, whereas, in fact, it is the *strongest* proof of their authenticity: the Anglo-Saxons courted pomposity in their writings; and Malmesbury expressly notices the delight which they took in the barbarous Hellenisms of their charters^a.

Greek characters were intermixed with the Latin alphabet, as in the seal of Ethelwald, and Greek titles assumed, as in the seal of Eadgitha. In the Latin compositions the same affectation is often very remarkable. Dark indeed are the verses of the “Patricius Consul Fabius Quæstor Ethelwerdus,” upon which, without doubt, he prided himself as the best testimonies of his taste and learning; and the chapter in which he narrates the coronation of Edgar, affords the clearest comment upon the style of Edgar’s charters.

De Principatu Edgari Regis.

Denique Eadgar coronatur in regnum, rex admirabilis.

Annis sextenis siquidem per regna meatus,
Bisque dies numero tenuit minus obice septem:
Argivæ hebdomadas gentis posuere magistri;
Septimanas recitant post quas nunc voce Latini.
Tingite nunc calamo Musæ propriumque vocate
Carmen, et ignoto ventis properate secundis.

^a Græci involute, Romani splendide, Angli pompaticæ, dictare solent. Id in omnibus antiquis cartis est animadvertere, quantum quibusdam verbis abstrusis, ex Græco petitis, delectentur. (Will. Malm. de Vita Aldhelmi, p. 7.)

[The Greeks are accustomed to use involved, the Romans grandiose, the English pompous language. It is noticeable in all the old charters to what extent they delight in abstruse expressions, borrowed from Greek. (William of Malmesbury, Life of St. Aldhelm, p. 7.)]

Cum placido steterint¹, fontes aperite poëtæ.
 Fungitur interea regno, post *Anax*² in arce,
Kimannis castrum a priscis jam nomine dicta,
 Nec *Bathun* ab aliis non pro feruentibus undis.
Costispentidies fuerat, quam quondam honore
*Bradifonus*³ Domino Moyses sacrarat amore.
 Advenit et populus pariter, sine nomine turmæ,
 Quin etiam ferro syncipite rasi corona.

(SS. Rer. Angl. p. 483.)

[Of the Principate of King Edgar.

Lastly Edgar is crowned for our realm,—a king wonderful.
 For sixteen years indeed and days twice seven in number
 he kept his course through the realms without interruption.
 The teachers of the Argive race instituted Hebdomades,
 periods of seven days, and imitating their word, the Latins
 now use the expression Septimanæ. Stain now with your
 reed my poem, ye Muses, and call it your own, and speed
 the bard unknown to fame with favouring breezes. When
 they are calm (*read placidi*) and still, open your fountains for
 your poet. Meanwhile Edgar enjoys his realm, later crowned
 Monarch in the citadel, the fort of Akeman, already so named
 by men of old, likewise Bath by others from its boiling waves.
 It was at Pentecost, the feast which erst with honour Moses,
 slow of speech, consecrated through love of his Lord. And
 the people came likewise, squadrons without name, nay even
 those tonsured with steel on one half of their heads. (Savile,
 p. 483.)]

The same false taste induced the Anglo-Saxon poets to
 interpolate their *Staves* with Latin words and Latin verses.
 If Ingulphus, or his Personator, can be credited, the French
 language had already become fashionable in the reign of the
 Confessor. But be this as it may, the affectation of the
 Anglo-Saxon literati was evidently tending to adulterate
 their language; and even if the Conquest had not taken
 place, the purity of the English language would have
 been speedily destroyed by the admixture of a foreign
 vocabulary.

Anglo-Saxon would prob-
 ably have become much
 mixed with words derived
 from foreign languages,
 even if the Conquest had
 not taken place.

From the circumstances before mentioned, namely, that
 charters were often copied in *charter-form*, for use, no very
 valid argument can be drawn against the authenticity of a

Part II. charter, merely from the character of the writing. Palæography affords aids which are of great utility to the historian, but by placing too implicit confidence in the outward signs and tokens which it affords, we may be led to indulge in very unreasonable scepticism.

Cases in which the Anglo-Saxon Charters are falsified by internal evidence,—such as the Croyland Charters, which represent the course of proceedings before the Witenagemot to have been like those of the parliaments of England, *temp.* Ed. II.

Internal evidence is usually the best test of the falsity of a charter; and the forgeries can generally be detected by the ignorance of their authors. Terms and phrases borrowed from the Anglo-Norman jurisprudence are introduced, and institutions and usages belonging to the age of the inventors, transferred to periods when they were entirely unknown. A charter ascribed to Beortwulf, King of Mercia, and dated at Kingsbury, on Saturday in Easter week, 851, recites, that the monks of Croyland having preferred their complaint before the Prelates and Peers of Mercia concerning various trespasses, the King ordered Radbod, the *vice dominus* of Lincoln, to perambulate the demesne of the monks, and to return the boundaries before the king and his council, “*ubicunque in ultimo paschæ fuisset*” [wherever we may be at the conclusion of the Easter festival],—which being done, the King, with the consent of his Prelates and Peers, confirms the privileges of the monastery. These proceedings are wholly conformable to the legal usages of the fourteenth century; and unless it be supposed that the forms of the High Court of Parliament during the reign of Edward II. were inherited from the Witenagemot of Mercia, the whole body of the instrument must be considered as a spurious or adulterated paraphrase^a. I employ this expression, because I apprehend that the Forgers did not entirely trust to their powers of invention; and that in concocting many of the fabrications, they borrowed the substratum from genuine instruments, which they expanded and altered in such a manner as to suit the purpose required. At least, we cannot otherwise account for the consistency and pertinence of the concluding clauses, or confirmations by the Members of the Witenagemot, appended to many charters, of which the contents are doubtful, or modernized.

Whilst the falsity of some charters may be thus detected by the language which they speak, or the matter which they contain, many others, and indeed the great mass of

Authentic clauses often preserved in adulterated charters.

Particularly in the subscriptions, which are often genuine, though appended to a modernized or doubtful paraphrase.

Authenticity of the greater number of the Anglo-Saxon charters.

^a Ingulphus, 12, 13.

those which have been preserved, receive the strongest confirmation by internal evidence. The names of the Ealdormen, and other Personages by whom they are attested or confirmed, frequently correspond with history in the most striking manner; and scarcely any one Individual of note is mentioned in the chronicles, whose name does not occur in some of the contemporaneous charters, as a Member of the Witenagemot. History supports the charters, and the charters support history, and also confirm each other^a. And their trustworthiness is not in the least impaired by occasional anachronisms, some apparent and some real. The errors of Transcribers, and the different modes of computation, are the chief sources of the first: the last arise from the practice which obtained, of Kings, Bishops, and Magnates adding their signatures (of course I mean, their marks) to charters which had been granted by their predecessors, or before their time, in order that the instruments might thus receive further confirmation and validity^b.

Part II.

Confirmed by history, and by each other.

Anachronisms, how accounted for.

The employment of Seals amongst the Anglo-Saxons has given rise to much discussion.

Seals, whether employed amongst the Anglo-Saxons.

There can be no doubt, but that seals were used for the purpose of impressing the wax which closed the epistles of the Anglo-Saxons. The seals of Eadgitha, Abbess of Wilton¹, and Ethelwald, Bishop of Dunwich, are still extant^c. The

^a See the examples appended to this essay.

^b Of this a remarkable example may be found in a charter granted to St. Alban's Monastery, by Offa and his son Ecgrifid, and signed afterwards by nine successive kings, Alfred being the last. (Mat. Par. Auctuarium, p. 238.)

^c This seal of Ethelwald (830—870) was dug up in a garden, about two hundred yards from the gate of the monastery at Eye, by a labourer, who gave it to the child of a workman employed on the farm. The child threw the seal into the fire, and it thus received some injury. It was afterwards purchased by Hudson Gurney, Esq., and presented by him to the British Museum. The seal is of a yellow metal, mitre shaped, composed of two rows of arches, supported by nine wolves' heads, the eyes of which are formed by small garnets. The legend exhibits a mixture of Greek and Latin characters, ΣΙΓ ΕΔΙΛΥΒΑΛΔΙ ΕΡ- (Archæologia, XX. p. 480). Of the seal of Eadgitha, probably the daughter of Edgar, only an impression remains. She is represented nearly at full length, the effigy being surrounded by an

Part II. point at issue, however, is, not whether seals were in use amongst the Anglo-Saxons; but, whether the usage of appending a seal to a charter was considered as a *legal* method of executing the instrument, according to the custom of later times. In the reign of Ethelred, the Anglo-Saxon Kings issued letters under their seals^a; and in the reign of Edward the Confessor, the "gewrit and insegel" was the customary mode of confirming a dignity, of bestowing the king's protection, or of signifying his commands. But a seal, though it might be added to a charter, was not indispensable to the validity of the instrument. And though the impression of the King's effigy was probably considered as imparting more than ordinary solemnity to the document, still the practice did not possess the uniformity and constancy of a legal custom, and it gained ground only by slow degrees.

Used for certain official purposes from the reign of Ethelred, but not, as in after times, absolutely necessary for the validity of royal charters.

Custom of sealing charters introduced by slow degrees.

William the Conqueror had a Great Seal, which was occasionally employed by him, yet he frequently confirmed his charters by his *Sign*, or Cross alone; and until the reign of Henry II., the privilege of using a seal scarcely extended to any but the greater barons. Gilbert de Balliol, the lord of the fee of certain lands contested in the Curia Regis^b, exclaimed that many chirographs in the names of his Ancestors had been read in his hearing, but that their deeds were not fortified by the testimony of their seals. Richard de Luci, the Justiciar, inquired if *he* had a seal. Balliol answered in the affirmative. The Justiciar replied, with a smile of contempt: It was not the custom in the olden time, inscription, composed partly in Greek and partly in Latin—SIGILL' EAGDGYDE REGAL' ADELPHÉ. (Hoare's Wilton Chartulary, Pref.) [The Seal of Edith the king's sister.]

^a In the treaty between Ethelred and Richard of Normandy, it was agreed that the two sovereigns should not harbour each other's subjects, except provided with their respective seals, i.e. with passports, under seal. Et de hominibus regis, vel de inimicis suis, nullum Ricardus recipiat, nec Rex de suis, sine sigillo eorum. (Will. Malm. de Gestis Regum, bk. ii. c. 10.) [And with regard to the King's subjects or his enemies, let Richard harbour none of them, nor the King any of Richard's, without their respective seals. (William of Malmesbury, Acts of the Kings, ii. 10.)]

^b See above, p. 101.

for every *Knightling* to use a seal, which is fitting only for **Part II.**
Princes and Persons of rank and dignity.

On the Continent, the Seal had been employed since the days of Dagobert; but the Confessor departed from the pattern of his contemporaries, the waxen impression being pendant to the charter, whilst the diplomatic etiquette of France required that the wax should be applied upon the parchment, like a modern wafer-seal^a. William the Conqueror adhered to the fashion of the Anglo-Saxon Chancery; but he caused his effigy, as the mailed Duke of Normandy, mounted on his charger, and brandishing his lance, to be impressed on the obverse of the wax; whilst the reverse displays him in the character of King of England, bearing the crown and sceptre, arrayed in the robe of royalty, and seated on the throne^b. Hence the origin of the double portraiture of the Kings of England on their Great Seals, according to the usage which now prevails. For an analogous reason, the seal of Odo, Bishop of Bayeux, and also Earl of Kent, exhibits him, on the obverse, clad in his pontificals; and on the reverse, in the martial garb of the Earldom. Louis VII., upon his marriage with Eleanor of Guyenne, caused an imitation to be made of the English seal, one side representing him as King of France, and the other as Duke of Aquitaine; but when he lost that territory by his separation from his consort, he then used only the French die, and the reverse of the wax continued without any impress, until Philip Augustus stamped the blank with the counter seal of the Fleur-de-lys, being his privy signet, which pattern has continued to the present time^c.

Origin of the double impression, or obverse and reverse of the great seals of the Kings of England: the equestrian figure being originally intended to represent them as Dukes of Normandy, and the sitting figure as Kings of England.

^a Pendant seals were afterwards adopted in France.

^b As is testified by the inscriptions—

Hoc, Normannorum Willielmum nosce patronum,

Hoc, Anglis regem, signo fatearis eundem.

[By this seal, know William, patron of the Normans.

By this seal, ye may acknowledge the same, King of the English.]

^c The seals of the Confessor and the Conqueror have been repeatedly engraved, but never with sufficient exactness. Mabillon, *De Re Diplomatica*, is the best authority for the French seals.

Part II.

(1.)

Ethelbert, King of Kent, grants a plot of land without the city of Canterbury, to the end that a monastery may be erected thereon.
(A.D. 605.)

In nomine Domini nostri Jesu Christi. Omnem hominem qui secundum Deum vivit et remunerari a Deo sperat et optat, oportet ut piis precibus consensum hilariter ex animo præbeat; quoniam certum est, tanto facilius ea, quæ ipse a Deo poposcerit, consequi posse, quanto et ipse libentius Deo aliquid concesserit. Quocirca ego *ETHELBERTUS*, Rex *Cantiæ*, cum consensu venerabilis Archiepiscopi *Augustini* ac principum meorum, dono et concedo Deo, in honorem *Sancti Petri* aliquam partem terræ juris mei, quæ jacet in oriente civitatis *Doroberniæ*, ita duntaxat ut monasterium ibi construatur, et res quæ infra memorantur in potestate abbatis sint qui ibi fuerit ordinatus. Igitur adjuro et præcipio in nomine Dei omnipotentis, qui est omnium rerum Judex justus, ut præfata terra subscriptâ donatione sempiternaliter sit confirmata, ita ut nec mihi nec alicui successorum meorum, regum aut principum, sive cujuslibet conditionis dignitatibus et ecclesiasticis gradibus, de ea aliquid fraudare liceat. Siquis vero de hac donatione

(1.)

[In the name of our Lord Jesus Christ. It behoves every man who lives according to the law of God and hopes and wishes to be rewarded by God, to offer a cheerful and whole-hearted consent to holy prayers; since it is certain that he will be able with the greater facility to obtain those things which he has asked of God the more readily he has given something to God. Wherefore do I, *ETHELBERT*, King of *Kent*, with the consent of the venerable Archbishop *Augustine* and my princes, present and grant to God, in honour of *Saint Peter*, a certain part of the land in my right, which lies to the east of the city of Canterbury, on the sole condition that a monastery be erected thereon and that the privileges, which are enumerated below, be in the possession of the abbot, who may be ordained to that place. Wherefore I adjure and command, in the name of Almighty God, who is a just Judge of all matters, that the aforesaid land, having been given under my hand as a gift, be for ever confirmed by this signed deed of gift so that neither I, nor any of my successors, kings or princes, nor any dignitary of any condition nor any rank of office in the Church should have the right to deprive it of anything. But

nostra aliquid minuire, aut irritum facere temptaverit, sit **Part II.**
in præsentī separatus a sancta communione corporis et
sanguinis Christi: et in die iudicii ob meritum malitiæ suæ
a consortio sanctorum omnium segregatus. Circumcincta
est hæc terra, his terminis; in oriente ecclesia Sancti
Martini, in meridie via de *Burhgate*, in occidente et aquilone **Boundaries.**
Druting-stræt. Acta in civitate Doroberniæ, anno ab incar-
natione Christi, dev. indict. viii. Ego ^aETHELBERTUS Rex
Cancie, sana mente integroque consilio, donacionem meam
signo sanctæ crucis propria manu roboravi confirmavique.
Ego *Augustinus* gratia Dei Archiepiscopus testis consentiens
libenter subscripsi. *Edbaldus*, *Hamigisilus*, *Angemundus* **Optimates of Kent.**
referendarius, *Hocca* grafio, *Tangil*, *Pinca*, *Geddi*. (Somner's
Canterbury, p. 47.)¹

A concurrent charter is signed and attested in the following manner:

Ego ^aETHELBERTUS, Rex Anglorum. *Edbaldus*, Regis
filius, favi. Ego *Hamigisilus* Dux, laudavi. Ego *Hocca*,

if any man shall attempt to subtract anything from this our
gift or seek to render it void, let him be severed from the
holy communion of the body and blood of Christ in this present
life; and in the day of judgment let him be separated from the
company of all the saints as the reward of his evil deed. The
land is enclosed by these boundaries: on the East by the
Church of *St. Martin*; on the South by the road of *Burgate*,
on the West and North by *Drouting Street*. Done in the city
of Canterbury, in the year 605 from the incarnation of Christ,
in the eighth indiction. I, ETHELBERT, King of *Kent*, being of
sound mind and unimpaired intellect, have corroborated and
confirmed this my gift with my own hand and the sign of the
holy cross.

I, *Augustine*, by the grace of God Archbishop, have gladly
subscribed my signature as a willing witness. *Eadbald*, *Hæmgils*,
Angemund Referendary, *Hocca* earl, *Tangil*, *Pinca*, *Geddi*.
(Somner's Canterbury, p. 47.)]

[I, ETHELBERT, King of the English. I, *Eadbald*, the
King's son, have approved. I, *Hæmgils*, Duke, have

^a It may be necessary to mention, that to save room, and
spare trouble to the printers, I have omitted the Crosses, which
are invariably prefixed to all the Anglo-Saxon signatures.

Part II. Comes, consensi. Ego *Angemundus*, referendarius, approbavi. Ego *Graphio*, Comes, bene dixi. Ego *Tangisilus*, Regis optimas, confirmavi. Ego *Pinca*, consensi. Ego *Geddi*, corroboravi.¹

(2.)

Ego ÆTHILBALTH non solum *Mercensium*, sed et universarum provinciarum quæ communi vocabulo dicuntur *Suthengli*, divina largiente gratia Rex, reverentissimo Comiti meo mihique satis caro, filio quondam *Hwuicciorum* regis OOSHERES, ÆTHILRICÆ, terram viginti cassatorum, in possessionem ecclesiasticæ rationis atque regulæ, cum consensu ^avel episcoporum, ^avel optimatum meorum larga mentis benivolentia donans concedo. Est autem idem ager, qui traditur, in regione, quæ antiquitus nominatur Stoppingas in loco qui vetusto vocabulo dicitur Uuidutuun juxta fluvium, quem priores nostri appellare solebant, et adhuc nominatur Aeluinnae. Omnem itaque hunc agrum intra terminos, ab antiquis possessoribus constitutos, cum campis,

Grant by Ethelbald, King of the Mercians and South Anglia, to his Comes, Æthelric, son of Oshere, King of the Wiccians, of lands to be held as an ecclesiastical benefice, with consent of the Bishops and Optimates.

applauded. I, *Hocca*, Earl, have given my consent. I, *Angemund*, Referendary, have approved. I, *Graphio*, Earl, have commended. I, *Tangisilus*, noble of the King, have confirmed. I, *Pinca*, have given my consent. I, *Geddi*, have corroborated.

(2.)

I, ETHELBALD, through the bountiful grace of God, King not only of the *Mercians* but of all the provinces which are commonly called *South Anglia*, do give and grant in the bountiful benevolence of my heart and with the consent as well of my bishops as of my nobles, to my most honoured Earl ÆTHELRIC, dearly beloved by me, son of OSHERE, formerly King of the *Hwiccas*, the land of twenty households (hides), to be held as a benefice of an ecclesiastical nature and rule. Now this same land thus handed over lies in the district which is called from of old Stoppingas (? Stopping) in the spot which is called by its ancient name Widutun (Wootton-Wawen) hard by the river which our forefathers used to call, and which is still called Ælwinnae (Alne). Wherefore I deliver and bestow all this land within the boundaries which have

^a Sic.

et saltibus, et pratis, necnon et universis qui ex eo provenire possint necessariis reddituum usibus, ita nimirum præfato Comiti meo ÆTHILRICÆ, in jus monasticæ rationis rogatus ab eo tradens largior, ut et ipse, quamdiu vita comite voluerit, prospere possideat, et cuicumque placuerit, vel se vivente, vel obeunte, ea conditione qua sibi traditum acceperit, licenter omnino nobis concedentibus libens tradat. Ego Æthilbalth hanc donationem meam subscripsi. Ego Uuor, Episcopus, consensi et subscripsi. Piot, Abbas—Uuilfrith, Comes—Sigibed, Comes—Oba, Comes—Beorcol, Comes—HEARDBERHT, Frater Regis—Eadberht, Comes—Tepra—Aduulf—Ceoba—Stronglic—Beonna—Uuilfriht, Episcopus—Cuthred, Abbas—Eobe, Abbas—Æthilwald, Abbas—Ælbred. (Heming. vol. I. p. 219.)¹

Part II.

Consent of the members of the Witenagemot.

(3.)

Ego ÆTHILBALT, Domino donante Rex, non solum *Marcersium*, sed et omnium provinciarum quæ generale nomine *Sutangli* dicuntur, pro remedio animæ meæ et relaxatione piaculorum meorum, aliquam terræ particulam

Ethelbald, King of Mercia and South Anglia, taking also the title of King of Britain, grants lands and castle near the Stour, to his Comes, or Ealdorman, Cyniberht.

(A.D. 736.)

been affixed by its former possessors, with the plains, glades, and meadows and likewise all the appurtenant profits of payments which might accrue therefrom, to the aforesaid my Earl ÆTHELRIC, by minster right, at his request, on such terms of course that he too, as long as his life lasts, may possess it in prosperity, and by our unlimited grant may, without restriction and at his pleasure, deliver it to whomsoever he will, either during his lifetime or at his death, on the conditions on which he received it from us. I Æthelbald have affixed my signature to this my donation. I, Wor, Bishop, have assented and affixed my signature. Piot, Abbot—Wilfrith, Earl—Sigebed, Earl—Oba, Earl—Beorcol, Earl—HEARDBEORHT the King's Brother—Eadbeorht, Earl—Tepra—Eadwulf—Ceoba—Stronglic—Beonna—Wilfrith, Bishop—Cuthred, Abbot—Eobe, Abbot—Æthelwald, Abbot—Ælbred. (Heming's Chartulary, vol. I. p. 219.)

(3.)

I, ETHELBALD, by God's gift, King, not only of the *Mercians*, but also of all those provinces which are commonly called by the name of *South Anglia*, do hereby deliver and bestow with all kindly feeling, for the healing of my soul and

Part II. id est x cassatorum venerando comiti meo *Cyniberhte*, ad construendum cœnobium in provincia, cui ab antiquis nomen inditum est *Husmeræ*, juxta fluvium vocabulo *Stur*, cum omnibus necessariis ad eam pertinentibus, cum campis silvisque, cum piscariis pratisque in possessionem ecclesiasticam benigne largiendo trado; ita ut quamdiu vixerit potestatem habeat tenendi ac possidendi, cuicumque voluerit, vel eo vivo, vel certe post obitum suum relinquendi... Scripta est hæc cartula A.D. 736... Ego *ÆTDILBALT*, Rex *Britannicæ*, propriam donationem confirmans subscripsi. Ego *Uuor*, Episcopus, consensi—*Uuilfridus*, Episcopus—*ÆTHELRIC*, Subregulus atque Comes gloriosissimi principis *Æthilbaldi*—*Ibe*, Abbas—*Heardberht*, Frater atque Dux præfati Regis—*Ebbella*—*Onoc*, Comes—*Oba*—*Sigibed*—*Bercol*—*Ealdwulf*—*Cusa*—*Pede*. (Smith's Bede, App. p. 786.)¹

Confirmation by the members of the Witenagemot.

(4.)

Cœnuulf, King of the Mercians, and his brother, Cuthred, Vassal King, or Regulus of Kent, grant lands to Swithin their "Minister" or Thane.

Regnante et adjuvante nos Deo et domino nostro Jhesu Christo. Ego CœNUULFUS, gratia Dei Rex *Merciorum*, anno V^o. imperii nostri, una cum fratre meo CUTHREDO, Rege

for the unbinding of my sins, a certain parcel of land to wit the land of ten households, to my honoured earl *Cynebeorht*, for the building of a convent in the district on which the name of *Husmere* has been bestowed by men of former times, situated near the river called the *Stour*, with all the appended privileges appertaining thereto, with plain and woodlands, fisheries and meadows to be held by Church right; so that, as long as he shall live, he may have power to possess and hold it and to bequeath it to whomsoever he will either during his lifetime or at any rate after his death. This charter was written in A.D. 736... I, *ÆTHELBALD*, King of *Britain*, have appended my signature in confirmation of my own gift. I, *Wor*, Bishop, have assented—*Wilfrid*, Bishop,—*ÆTHELRIC*, Under-King and Earl of the most illustrious prince *Æthelbald*—*Ibe*, Abbot—*Heardbeorht*, Brother and Duke of the aforesaid King—*Ebbella*—*Onoc*, Earl—*Oba*—*Sigibed*—*Bercol*—*Ealdwulf*—*Cusa*—*Pede*. (Smith's Bede, App. p. 786.)

(4.)

Under the rule and help of God and of our Lord Jesus Christ, I, COENWULF, by the grace of God King of the *Mercians*, in the fifth year of our reign, together with my brother CUTHRED,

scilicet *Cantuariorum*, dabo in perpetuam possessionem, *Swithune*, nostro in commune ministro, modicam telluris portionem, trium scilicet aratrorum, ubi nominatur æt *Brom Gehæge* in provincia *Cantiæ*,... prædicto viro, vel ejus posteris sub perpetua libertate concedimus, cum omnibus ad se pertinentibus rebus... ut habeat et possideat quamdiu vivat, et post se, cui voluerit, relinquat in sempiternam possessionem, eo videlicet jure, si ipse nobis et optimatibus nostris fidelis manserit minister, et inconvulsus amicus. Ego CENUULFUS Rex donationem meam signo crucis confirmo. Signum manus CUTHREDI regis *Cantuariorum*. Signum manus *Ceolberhti*, ducis. Signum manus *Berthuni* et *Byrnwaldi*, comitum. Hoc item secunda die Paschæ adfirmant coram rege CUTHREDO in urbe *Cantuariorum*, Archiepiscopus *Æthilheard* et *Merciorum* Abbas *Dæghelm*, cum optimatibus quorum hic scripta sunt nomina—*Æthilheard*, Archiepiscopus—*Dæghelm*, Presbyter Abbas—*Heaberht*—*Oswulf*—*Egnulf*—*Alhmund*—*Beornheard*—*Esne*—*Ealdbert*—*Haehfrith*—*Ealdberht*—*Osmod*—*Wiothert*—*Bealthhæth*.

Part II.

He is to hold the same for his life, with full power of bequeathing the same, upon condition of being a true and faithful Thane to the Kings and their Optimates.

Confirmation by the members of the Witenagemot.

Quomodo *Swithun* hanc terram sibi datam a regibus

to wit King of the *Kentishmen*, will give to one *Swithun*, our Minister in common, to be held by him as a possession for ever, a small parcel of land, to wit three ploughlands, which is called *Bromey in the Hoo*¹ in the province of *Kent*... to him or to his heirs we grant these lands with freedom for ever, with all the privileges that appertain thereto, that he may hold them and possess them as long as he lives and may bequeath them as an everlasting possession after his death to whomsoever he will, but on this condition however, that he remain a faithful servant and unshaken friend to us and to our optimates. I, COENWULF, King, do hereby confirm my gift with the sign of the Cross. The mark of the hand of CUTHRED, King of the *Kentishmen*. The mark of the hand of *Ceolbeorht*, Duke. The marks of the hand of *Berthun* and of *Byrnwald*, Earls. This Charter was also affirmed on the second day of Easter in the presence of king CUTHRED, in the city of the *Kentishmen*, by Archbishop *Æthelheard* and *Dæghelm*, Abbot of the *Mercians*, together with the optimates whose names are here written:—*Æthelheard*, Archbishop—*Dæghelm*, Priest Abbot—*Heahbeorht*—*Oswulf*—*Egnulf*—*Ealhmund*—*Beornheard*—*Esne*—*Ealdbeorht*—*Heahfrith*—*Ealdbeorht*—*Osmod*—*Wiothert*—*Bealdhæth*.

How *Swithun* did bequeath this land granted him by the

Part II. concessit Sancto *Andreae* post obitum suum.—Ego *Swithun* post obitum meum trado terram hujus libelli, pro remedio animæ meæ, omnibusque sibi pertinentibus ^a Sanctæ *Andreae* in perpetuum. Et si quis auxerit, æternam vitam tribuat ei Deus: si quis tunc minuere voluerit ^a mortem supplicium cum diabolo in æternum sit passus. (Textus Roffensis, pp. 94, 95.)¹

Swithun bequeaths the land to the Church of Rochester.

(A.D. 821.) Kenulph, King of the Mercians. Extracts from his charter in favour of the monastery of Abingdon.

The abbey to be exempted from the burthen of finding free quarters for the King's huntsmen, falconers, &c.

In nomine Dei et Domini nostri Jesu Christi, veri redemptoris mundi, anno vero dominicæ incarnationis dccxxi, indictione xiiij. Ego CŒNULFUS Rex *Merciorum*, ab eodem Deo et Domino nostro populis et tribubus præordinatus in Regem anno imperii nostri xxv. (See Summary of the History of Mercia.)

[Here follows a confirmation of the possessions of Abingdon.]

Mandamus in nomine Patris et Filii et Sancti Spiritus ut nullus superveniat hominum superbia inflatus, nec Rex suum pastum requirat vel habentes homines quos nos

kings to the church of *St. Andrew* after his death: I, *Swithun*, do bequeath after my death the land named in this book, for the healing of my soul to the Church of *St. Andrew* as a possession for ever, with all the rights that appertain thereto. And if anyone shall add to it, may God grant him eternal life; but if any man shall seek to diminish it, may he suffer death [and] eternal punishment with the Devil. (Rochester Text, pp. 94, 95.)

(5.)

In the name of God and Our Lord Jesus Christ, the true redeemer of the world, in the year of Our Lord's Incarnation 821, in the fourteenth Indiction, I, COENWULF, King of the *Mercians*, by the same God and Our Lord ordained King over these peoples and tribes, in the twenty-fifth year of our rule...

We hereby enjoin in the name of the Father, the Son and the Holy Ghost, that no man, inflated with pride, should violate them, nor any King seek entertainment for himself

^a Sic.

dicimus *fæstingmen*,¹ nec eos qui accipitres portant, vel falcones, vel caballos ducunt sive canes, nec pœnam mittere super eos quoquomodo audeat. Nec princeps, nec graffio^a, hanc lenitatem præfatam, in alicujus oneris molestiam mutare audeat, aut in diebus nostris vel successorum nostrorum. Si pro aliquo delicto accusatur homo Dei, ecclesiæ illæ custos solus cum suo juramento, si audeat, illum castiget. Sin autem ut recipiat aliam justitiam hujus vicissitudinis conditionem, præfatum delictum cum simplo precio componat.² Expeditionem cum xij Vasallis, et cum tantis scutis exerceant. Antiquos pontes et arces renovoent. Cæterum plena et integra libertate gloriantur, maxime cum ipsi diebus dominicis vij missas pro nobis saluberrimas offerant et armis spiritualibus centum psalteriis contra invisibiles hostes dimicare non cessant. (Bib. Cott. Claudius B vi, f. 9.)³

Part II.
Service of twelve vassals and twelve shields (or, in more modern language, twelve knight's fees) to be rendered from the abbey.
(See Part I., p. 127.)

or those who keep what we call *fæstingmen*, or men who carry hawks or falcons, or men who lead horses or dogs, and let him not dare to make the community undergo any penalty whatsoever. Let neither prince nor ealdorman dare to change this aforesaid exemption into the imposition of any troublesome burthen whatsoever, either in our days or in the days of our successors. If any man of God is accused of any offence, let the guardian of this church purge him with his single oath, if he dare. But if he dare not, let him compound for the aforesaid transgression by a single fine, and by performing this condition, he may obtain the transfer of the suit, and exact the second fine. Let them perform military service with twelve vassals with as many shields. Let them repair ancient bridges and fortresses. In other respects let them pride themselves in full and unimpaired liberty; especially on condition that they offer for us every Sabbath-day seven salutary masses and cease not to war against our invisible enemies with their spiritual arms—one hundred psalters. (Cotton MS. Claudius B vi, f. 9.)

^a "Graffio," in the phraseology of the continental laws and charters, is sometimes employed to designate the higher nobility, and sometimes the ministerial officers of the King. Here it seems to be used in the first sense, as equivalent to "Comes," or "Ealdorman," or the more recent "Earl."

Part II.

(6.)

(A.D. 823.) Egbert, King of the English, with the consent of his Witenagemot, and of his son Ethelwulf, whom he had appointed to be King of Kent, frees the church of Rochester from the burthen of finding "Paraverdæ" and free quarters for the followers of the Court.
(See Part I., pp. 127, 128.)

In nomine Domini nostri Jhesu Christi. Ego EGBERTUS, gratia Dei Rex *Anglorum*, cum consensu episcoporum ac principum meorum, hanc libertatem donavi ecclesiæ quæ sita est in civitate *Hrobi* et omnibus agellis qui ad ecclesiam Sancti *Andreæ* Apostoli pertinent, pro remedio animæ meæ et filii nostri *ÆTHELUULFI*, quem regem constituimus in *Cantia*, ut omnes agri sint liberi ab omni regali servitio, a pastu regum et principum, ducum et præfectuum exactorumque, ab equorum et falconum accipitrumque et canum acceptione et illorum hominum refectio^a quod nos *festingmenn* nominamus, a *parafrithis*, et ab omnibus difficultatibus regalis vel secularis servitutis notis et ignotis, cum furis comprehensione intus et foris, majoris minorisve, præter pontis constructione^a et expeditione^a æternaliter liberata permaneant. (A.D. 823.) Ego EGBERTUS, Rex *Anglorum*, hanc donationem meam hujus libertatis signo sanctæ crucis Christi confirmavi et subscripsi. Ego *ÆTHELUULF*, Rex, consensi et subscripsi. Ego *Uulfraed*,

(6.)

In the name of Our Lord Jesus Christ. I, EGBERT, by the Grace of God King of the *English*, with the consent of my bishops and my chiefs, have bestowed this privilege on the church which is situate in the city of *Rochester*, with all the small lands that appertain to the church of *Saint Andrew* the Apostle, for the healing of my soul and that of our son *ÆTHELWULF*, whom we have appointed King in *Kent*, that all the lands may be free from all royal service, from the free entertainment of kings and chiefs, dukes and prefects and collectors of taxes; from the lodgment of horses, falcons, hawks and dogs and the victualling of those men who are called *festingmen* by us, from the supply of posting horses, and from all burthens known or unknown which are due to the king or the state, with power to arrest a thief, of greater or less degree, within their possessions or without them, and let it remain for ever free, except from construction of bridges and from military service. (A.D. 823.) I, EGBERT, King of the *English*, have confirmed and appended my signature to this my gift of this privilege with the sign of the holy Cross of Christ. I, *ÆTHELWULF*, King, have assented thereto and added my signature

^a Sic.

Archiepiscopus, consensi et subscripsi. Ego *Wigthe gn*, Episcopus, consensi et subscripsi. Ego *Ealhstan*, Episcopus, consensi et subscripsi. Ego *Beornmod*, Episcopus, consensi et subscripsi. Ego *Wulfhard*, Dux, consensi et subscripsi. Ego *Monnede*, Dux, consensi et subscripsi. Ego *Osmod*, Dux, consensi et subscripsi. Ego *Dudda*, Dux, consensi et subscripsi. *Aldred — Oshere — Æthelwulf — Duduc — Boba — Ealhhere — Sigesteb — Æthelhard*. (Textus Roffensis, pp. 97—99.)¹

(7.)

Ego ADELWULF, Rex *Australium* populorum, tibi fidelissimo meo præfecto *Ceolmundo* trado terram juris mei unius aratri, . . . et cuicumque voluerit post se æternaliter possidendum relinquat. (A.D. 842.) ADELWULF, Rex—*Adelwulf*, Dux—*Adelhun*, Præbiter—*Ethelmoth — Edelred — Ceolnoth*, Archiepiscopus—*Alhere*, Dux—*Beormod*, Præbiter—*Adelrit — Lulluc — Beormod*, Episcopus—*Werehard*, Præbiter—*Muthsar*, Minister—*Alhard — Beasnoth — EDELSTAN*, Rex—*Drythnoth*, Præbiter—*Tutta*, Minister—*Hudda*. (Registrum Roffense, p. 23.)²

(A.D. 842.) Grant by Ethelwulf, King of Wessex, by the title of King of the Southern Nations, to Ceolmund, his "Præfect."

Confirmation by [the Witenagemot, — Athelstane, King of Kent, signing amongst the rest.

I, *Wulfred*, Archbishop, have assented thereto and added my signature. I, *Wigthe gn*, Bishop, have assented thereto and added my signature. I, *Ealhstan*, Bishop, have assented thereto and added my signature. I, *Beornmod*, Bishop, have assented thereto and added my signature. I, *Wulfheard*, Duke, have assented thereto and added my signature. I, *Monnede*, Duke, have assented thereto and added my signature. I, *Osmod*, Duke, have assented thereto and added my signature. I, *Dudda*, Duke, have assented thereto and added my signature. *Aldred — Oshere — Æthelwulf — Duduc — Boba — Ealhhere — Sigesteb — Æthelhard*. (Rochester Text, pp. 97—99.)

(7.)

I, ÆTHELWULF, King of the *Southern Nations*, do hereby deliver to thee, *Ceolmund*, my right faithful Prefect, one ploughland in my right, . . . and that he may bequeath the same in perpetuity to whomsoever he wishes after his death. (A.D. 842.) ÆTHELWULF, King,—*Æthelwulf*, Duke—*Æthelhun*, Elder—*Æthelmod — Æthelred — Ceolnoth*, Archbishop—*Ealhhere*, Duke—*Beormod*, Priest—*Æthelric — Lulluc — Beormod*, Bishop—*Wereheard*, Priest—*Muthsar*, Thane—*Ealhhard — Beagnoth — ATHELSTANE*, King—*Drythnoth*, Elder—*Tutta*, Thane—*Hudda*. (Rochester Register, p. 23.)

Part II.

Grant by Ethelwulf, King of Wessex, and Ethelstan, King of Kent, to their "Prince" Ealhere.
(A.D. 850.)

Witenagemot.

(8.)

Ego ETHELWOLF, Rex occidentalium Saxonum, ^aseu ETHELSTAN, Rex Kancixæ, ^adabo et concedo *Ealhhere*, humili atque dilecto principi meo, aliquantulam partem terræ juris mei...ut habeat et perfruat, cum pratis et pascuis, cum omnibus rebus quæ ad illam pertinent, et qualicumque homini ^aillam placuerit derelinquat in hæreditate in sempiternum, et sit liber ab omni regali servicio, præter tribus, pontis et arcis [constructionē] et expeditionē.... (A.D. 850.) Ego *Ethelwulfus*, Rex, roboravi. Ego ETHELSTAN, Rex, consensi—*Ceolnodus*, Archiepiscopus—*Orric*, Dux—*Orbrith*, Miles—ETHELBALD, filius Regis—*Ealhere*, Dux—*Oineberht*, Miles—*Eadwulf*, Dux—*Lulla*, Miles—*Mucel*, Miles. (Registrum Roffense, p. 24.)¹

(9.)

Ethelred, Duke or Ealdorman of the Mercians, and with the consent of the "Senate," or Witenagemot of Mercia, renews the

In nomine Domini nostri Jhesu Christi, ATHELRED, Deo adjuvante *Merciorum* Dux, hanc cartam *Cuthulfo*, ministro regis, pro illa terra *marnan cliue*, id est x manentium, fieri

(8.)

I, ÆTHELWULF, King of the Western Saxons, and I, ÆTHELSTAN, King of Kent, will give and do hereby grant to my humble and beloved prince *Ealhhere*, some small portion of the land in my right...that he may hold and enjoy the same, with meadow lands and pasture lands and with all the privileges that appertain thereto, and that he may bequeath the same as an heritage for ever to whatsoever man he will, and that it be quit of all royal service, except the three, to wit, bridge and fortress building and military service.... (A.D. 850.) I, *Æthelwulf*, King, have established it.—I, ATHELSTAN, King, have assented—*Ceolnoth*, Archbishop—*Osric*, Duke—*Ordbriht*, Knight—ÆTHELBALD, the King's Son—*Ealhhere*, Duke—*Oineberht*, Knight—*Eadwulf*, Duke—*Lulla*, Knight—*Mucel*, Knight. (Rochester Register, p. 24.)

(9.)

In the name of our Lord Jesus Christ, ÆTHELRED, by the assistance of God Duke of the *Mercians*, hath granted that this charter be made to *Cuthwulf*, the King's Thane, in respect of that land *Marcliff*, to wit, ten hides; which land *Ceolred*, the

^a Sic.

concessit, quam terram *Cered*, propinquus illius *Cuthulf*, cum mille siclis a *Burhredo*, rege *Merciorum*, adquisivit, ac post mortem suam, suæ uxori *Uuerthrythe* ad optinendam donavit. Tunc ille *Cuthulf* a prefata muliere Romam cupienti pergere in presentia *Uuerfrithi* episcopi omniumque optimatum provincie *Huicciorum* cum probabili pecunia comparavit. Sed ille *Athelred*, prefata *Uuerthrythe* sub juramento affirmante, supradictæ terræ libellum a paganis arreptum esse, cum consensu omnium *Merciorum* senatorum, alium scribere jussit, ut ille *Cuthulf* illa terra ut sibi placeret perhenniter perfrueretur, et cui donare vellet sine impedimento ullius personæ licentiam haberet. (Heming. p. 328.)¹

Part II.

landboe or charter¹⁰ of Cuthulf the Thane, which had been carried off by the Danes.

(10.)

Regnante imperpetuum et mundi monarchiam gubernante altitroni Patris sobole qui celestia simul et terrena moderatur, illius etenim incarnationis anno d.cccc.iii. indictione vero sexta, contigit quod *Ethelfritho* duci omnes hereditarii libri ignis vastacione combusti perierunt; tali

Duke Ethelfrith having lost all his landboes, the same having been destroyed by fire, applies to Edward the Elder, as supreme Lord of Mercia, and to Ethelred the Ealdorman of the same kingdom, and Ethelfleda his wife

kinsman of the aforesaid *Cuthwulf*, obtained for a thousand sicli² from *Burhred*, King of the *Mercians*, and after his death bequeathed to his wife *Werthryth* to be held by her. Then did the aforesaid *Cuthwulf* purchase the land from the above-mentioned lady, who was desirous of making a pilgrimage to Rome, for a suitable sum of money, in the presence of *Werfrith*, the Bishop and all the optimates of the province of the *Hwiccas*. But when the aforesaid *Werthryth* affirmed on oath that the charter of the above-mentioned land had been stolen from her by the heathen, *Ethelred*, with the consent of all the Witenagemot of *Mercia*, ordered another to be written, so that the aforesaid *Cuthwulf* might enjoy at his good pleasure for ever that land and have freedom to bequeath it to whomsoever he would, without impediment of anyone. (Heming's Chartulary, p. 328.)

(10.)

While the offspring of the Father high-throned, the swayer of all things both in earth and heaven, maintains his everlasting rule and directs the empire of the world; in the year moreover 904 of his incarnation, the sixth indiction, it came to pass that all the hereditary charters belonging to Duke *Ethelfrith* were burnt by the devastation of fire and perished. Under pressure therefore of such a necessity,

Part II. igitur necessitate cogente, predictus Dux rogavit EDUARDUM regem et ELREDUM quoque et ÆTHELFLEDAM qui tunc principatum et potestatem gentis *Merceorum* sub predicto rege tenuerunt, omnes eciam senatores *Merceorum*, ut ei consentirent, et licentiam darent alios libros rescribendi. Tunc illi unanimiter omnes devota mente concesserunt ut alii ei libri scriberentur eodem modo quo et priores scripti erant, in quantum eos memoriter recordari potuisset. Si vero quoslibet recordari minime potuisset, tunc ei ista cartula in auxilio et affirmatione fieret, ut nullus eum contencione cum aliis libris affligere valuisset, nec propinquus nec alienus, quamvis aliquis homo aliquem de vetustis libris protulerit, quem prius fraudulenter vel hora ipsius incendii vel alio quolibet tempore per furtum abstraxisset. Novimus namque quod omnia que in hoc mundo contingere solent aliquando cicius aliquando tardius ex memoria mortalium delapsa deveniunt nisi in cedulis literarum characteribus annotentur: quapropter in hac cartula innotescere ratum atque gratum satisque commodum duximus, de illa videlicet terra at *Wringtone*, cujus quantitas est viginti cassatorum.

the aforesaid Duke did ask EDWARD the King and also ÆTHELRED and ÆTHELFLEDA, who at that time held the lordship and power over the people of *Mercia* under the aforesaid King, and also all the elders of the *Mercians*, that they should grant their consent and permission that other charters should be written. Then they did all in a friendly spirit unanimously grant that other charters should be written for him in the same fashion as the former charters, in so far as they could be reproduced from memory. And if however none of them could be remembered at all, then let this charter of ours be made for him in aid and affirmation thereof, so that no one may have power to contentiously assail him with other charters, be he kinsman or stranger, even though some man may produce some of the old charters which he, previous to the fire or at the very time thereof or at any other time, may have fraudulently stolen and abstracted. For we wot that all things which are wont to come to pass in this world, sometimes sooner, sometimes later, slip from the memory of mortal men and go astray, unless they are noted down in charters in the characters of letters. Wherefore in this charter we have thought it right and good and greatly expedient, to make such record concerning this land, to wit of *Wrington*, of which the extent

(who was joined with him in the government) and to the Witenagemot of Mercia, to cause new charters to be written for him.

Ego ATHELRET consensi et confirmavi. Ego EDWARD, Rex, **Part II.**
consensi et subscripsi.

Et hanc prefatam largicionem Ego EDRED, Rex, et totus senatus *Anglorum*, devoto animo *Ethelfretho* duci in perpetuam hereditatem persolvimus ut nemo post nos percipientes sine indignacione Dei omnipotentis illam irritam faciat.

Subsequent confirmation by Edred.

Hanc prefatam hereditatem *Athelstan* Dux, filius *Etheredi*, conversus et factus monachus optulit secum ad monasterium *Glastingense* illamque sibi largitus est *Athelstan* Rex. (Mon. I. 49, 50.)¹

(11.)

Ego OSUWALD, gratia Dei Episcopus, cum consensu ac licencia EADGARI, Regis *Anglorum*, et ÆLFHERE, ducis *Merciorum*, quandam ruris particulam, quod a gnosticis *Upton* appellatur, vi. videlicet mansas, cuidam ministro meo nomine *Cynelm* cum omnibus ad illud rite pertinentibus, perpetuâ largitus sum hereditate, et post vitæ suæ terminum duobus tantum heredibus immunem derelinquat, quibus

Oswald, Bishop of Worcester, with the assent of Edgar, King of the English, and Alfere, Duke of the Mercians, grants Upton to his "Minister" or Thane Cynelm, or Kenelm, for his life, and for two other lives after his decease, after which the same is to revert to the Church of Worcester.

is twenty households. I, ÆTHELBERT, have assented and confirmed it. I, EDWARD, King, have assented thereto and appended my signature.

And this above-mentioned gift, I, ÆTHELRED, King, and the whole Witenagemot of the *English*, with friendly minds, have granted to Duke *Ethelfrith* to be his everlasting heritage, so that no one, after this our enactment, should render it null and void without incurring the wrath of Almighty God.

This above-mentioned heritage Duke *Athelstan*, the son of *Ethelred*, when he turned monk presented with himself to the monastery of *Glastonbury* and King *Athelstan* bestowed it on it. (Mon. I. 49, 50.)

(11.)

I, OSWALD by the grace of God Bishop, with the consent and permission of EADGAR, King of the *English*, and ÆLFHERE, Duke of *Mercia*, have bestowed on a certain Minister of mine, by name *Cynehelm*, a certain parcel of land, which is called *Upton* by the skilled, to wit, six hides and all that rightly appertains thereto, to be his own everlasting heritage and that after the span of his life he may bequeath it with its privileges

Part II. defunctis, ecclesiæ Dei in Wiogurna ceastre restituatur. (A.D. 962.) (Heming. p. 145.)¹

[Signed by two priests, one deacon, and fourteen clerks, being the members of the cathedral monastery.— A note in Anglo-Saxon is added, containing the name of one of the persons whom *Cynelm*, the "Thegn," has nominated as the next life.]

(12.)

Ic Osuuold þurh godes giefe Arcebisceop mid gepafunge 7 leafe Eadwærdes angul cyninges 7 Ælfheres Mercna heretogan 7 þæs hiredes æt Wiogerna ceastre, landes sumne dæl, þæt is an hid æt hymeltune, sumum Cnihte þam is Wulfgeat noma, mid eallum þingum þe þæto belimpað, freolice his dæge forgeaf 7 æfter his dæge, twæm yrfweardum 7 æfter hiera forðsiþe to þære halgan stowe into Wiogerna ceastre þam biscope to bryce. (Heming. pp. 151, 152.)²

(13.)

Anno Dominicæ incarnationis deccccxxvii. Ego OSWALD, superni rectoris fultus iuvamine Archipresul, cum licentia EDWARDI Regis *Anglorum*, ac ÆLFHERE, Ducis

to two heirs only and after their deaths let it be restored to the church of God in Worcester. (A.D. 962.) (Heming's Chartulary, p. 145.)

(12.)

I, Oswald, by the grace of God Archbishop, with assent and leave of Edward, King of the English, and of Ælfhere, Duke of the Mercians, and of the community at Worcester, have bestowed on a knight named Wulfgeat, a portion of land, that is, a hide at Himbelton (Worces.) with all its appurtenances, freely for the term of his life, and after his day for two other lives, and after their departure, to the monastery at Worcester for the use of the bishop. (Heming's Chartulary, pp. 151, 152.)

(13.)

In the year of our Lord's incarnation 977. I, OSWALD, Archbishop, supported by the aid of the ruler on high, with the permission of EDWARD, King of the *English*, and ÆLFHERE

Archbishop Oswald, holding the see of Worcester in commendam, and with the assent of Edward King of the English (Edward the Martyr) and Alfhære, Duke or Ealdorman of Mercia, grants one hide of land (parcel of Oswald's Law) to his Knight, Wulfgeat, to hold for his life, and after his decease for two other lives, in succession, after which the same is to revert to, &c.

Archbishop Oswald, with the assent of King Edward and of Alfhære, Duke of the Mercians, renews the grants of three hides of land to his Thane, or Minister, Eadric, to be held as a Lehn, Benefice, or Feud, for three lives.

Merciorum, uni ministro meo fidelo, qui a gnosticis nota **Part II.**
Eadric nuncupatur vocabulo, ob ejus fidele obsequium,
 quendam ruris particulam, iii videlicet mansas quod solito
 vocitatur nomine Tidingetun, cum omnibus ad se rite pertin-
 entibus liberaliter concessi, ut ipse, vita comite, fideliter
 perfruatur, et post vitæ suæ terminum, duobus quibus
 voluerit cleronomis derelinquat. Quibus etiam ex hac
 vita migratis, rus predictum, cum omnibus utensilibus, ad
 usum primatis ecclesiæ Dei in Wiogorna ceastre restituitur
 immune. þonne is þæs landes iii hida þe Oswald arcebisceop
 bocað Eadrice his þegne, ge ner tune ge fyr, swa swa he
 hit ær hæfde to *lan lande* mid þæs heorodes gewitnesse on
 Wiogorna ceastre. (Heming. pp. 204, 205.)¹

(14.)

Alma et individua ubique inlocaliter regnante Trinitate,
 necne ÆTHELREDO allubesciente ac favente, per ^aomni
 parentis notum totius *Albionis* Basileo, ^bÆLFRICI *Mer-*
ciorum Comite consentiente; Ego *Oswaldus* largifluâ Dei

Archbishop Oswald, with
 the assent of Ethelred,
 Emperor of Albion, and
 Alfric, Comes of the
 Mercians, grants Bishop's
 Stoke to his Knight or
 Soldier Ethelred, in con-
 sideration of his service
 and vassalage, for three
 lives, as before mentioned.

Duke of *Mercia*, have freely granted to a faithful minister of
 mine who by the skilled is called by the name of *Eadric*, for
 his faithful service, a certain parcel of land, to wit three hides,
 which is usually called Teddington, with all privileges that
 rightly appertain thereto, so that he, while he lives, might
 enjoy it in fealty, and after the end of his life bequeath the
 same to two heirs, whomsoever he will. And after they have
 departed this life, let the aforesaid land and its farm-stock be
 restored with all its privileges to the use of the bishop of the
 church of God in Worcester. Now of this land there are three
 hides which archbishop Oswald conveys by charter to his thane
 Eadric, both nearer the homestead and farther from it, such as
 he formerly held on lease, with the cognisance of the community
 at Worcester. (Heming's Chartulary, pp. 204, 205.)

(14.)

While the gracious and undivided Trinity reigns every-
 where and in all places, and with the indulgence and favour of
 ÆTHELRED, by the decree of the Almighty Basileus of the
 whole of *Albion*, and with the assent of ÆLFRIC, Earl of the
Mercians; I *Oswald*, by the bountiful mercy of God, Arch-
 bishop, do hereby willingly grant a certain parcel of land, to

^a *lege*, omnipotentis nutum.

^b Sic.

Part II. clementiâ archipresul, quandam rurisculi partem, tres scilicet mansas, in loco qui vocatur æt bisceopes Stoce, libenti concedo animo, cum omnibus ad eum utilitatibus rite pertinentibus, cum consultu atque permissione venerabilis *Weogernensium* familiæ, *Æthelredo* meo videlicet Militi, pro ejus humili subjectione atque famulatu, ut vita comite illo feliciter perfruatur absque ullius refragatione, duobusque quibuscumque decreverit, post metam proprii ævi, ^a clero nominis relinquat, finitoque illorum vitæ curriculo, ad usum primatis in *Weogorna* ceastre redeat immunis ecclesiæ. Anno dominicæ incarnationis dcccclxxxiii^o scripta est cartula ista, his testibus æstipulantibus, quorum nomina infra caraxata cernuntur. (Heming. pp. 121, 122.)¹

A.D. 984.

(15.)

A.D. 991.
Brithnoth, Duke of East Anglia, being about to go out to war against the Danes, bequeaths all his land to pious uses. Will concerning the domains which he bequeaths to the church of Canterbury. A life estate to his widow Alflæda is reserved.

Anno Dominicæ incarnationis dcccexci. Ego Dux *Brihtnotus* iturus contra paganos ad bellum, consentiente Rege *ÆTHELREDO*, divisi omnes terras meas per ecclesias per *Angliam*, audiente *Sirico*, archiepiscopo; et optimatibus regis omnibusque id laudantibus et consentientibus. Ecclesiæ Salvatoris in civitate *Doroberniæ* has terras contuli,

wit, three hides, in a place which is called Bishop's Stoke, with all the privileges which rightly appertain thereto, with the approval and permission of the venerable community at *Worcester*, to *Æthelred*, to wit my Knight, in consideration of his humble dependence and vassalage, so that in his life he may enjoy it in all happiness, without challenge from any man, and after the goal of his own life may bequeath it to two heirs, whomsoever he shall decree; and when the course of their lives shall come to an end, let it revert with all its rights to the use of the bishop of the church at *Worcester*. This charter was written in the year of our Lord's Incarnation 984, with the consent of those witnesses whose names are seen affixed below. (Heming's Chartulary, pp. 121, 122.)

(15.)

In the year of Our Lord's Incarnation 991. I, Duke *Bryhtnoth*, being about to go to war against the heathen, have divided all my lands, with the consent of King *ÆTHELRED*, among the churches throughout *England*, in the hearing of *Siric*, the Archbishop, and with the approval and consent of all the King's optimates. The following lands, to wit *Lalling*,

^a *lege*, cleronomis.

Lallinges, Illelege, et Hathlege, liberas ab omni servitute seculari, excepto communi labore expeditionis, pontis et arcis constructione. *Hætlege* tamen concessi *Alfede* uxori meæ, tantum in diebus suis, postea redeat ad ecclesiam Xpi in eadem villa. (Bib. Lamb. no. 1212, f. 326.)¹

Part II.

(16.)

Ego *ÆTHELRED* totius *Britannia* Basileus, quandam telluris particulam, xv videlicet cassatos, loco qui celebri *Ætcerne* nuncupatur vocabulo, Domino nostro Jesu Christo sanctæque ejus ecclesiæ beatæ Dei genitricis Mariæ, qui celebri *Abbondona* nuncupatur onomate, ad usus monachorum Dei inibi degentium, cum omnibus utensilibus, pratis videlicet, pascuis, aquarumque cursibus *Uulfgaro* obtinente abbate æterna largitus sum hereditate. Sit autem prædictum rus omni terrenæ servitutis jugo liberum, tribus exceptis, ratâ videlicet expeditione, pontis arcisve restauratione. Est sane præfata terra *Cyrne* de illis villulis quas pridem quidam Comes ^avocitamine *Ælfric* a quadam matrona *Ealfred* nomine diripuit, et

A.D. 999.
Ethelred, Emperor of Britain, grants Cerne to the Church of Abingdon.

Recital of the manner in which the King became possessed of the land. Earl Alfric forcibly dis-seises the widow Ealfred,

Illey and *Hadleigh*, I have bestowed on the Church of the Saviour in the town of *Canterbury*, free from all secular duty, except the common task of military service, and the building of bridges and fortresses. However I have bestowed "*Hætlege*" on my wife *Ælflæd*, but only during her lifetime; afterwards let it revert to the church of Christ in the same town. (Lambeth MS. no. 1212, f. 326.)

(16.)

I, *ETHELRED*, Basileus of the whole of *Britain*, have presented in perpetuity a certain parcel of land, to wit fifteen households, in the place which is commonly called by the name *Cerne* (Charney), to our Lord Jesus Christ and to his holy church dedicated to the Blessed Mary, Mother of God, which is commonly called *Abingdon*, *Wulfgar* being now abbot, for the use of the monks of God who dwell there, with all the advantages thereof, to wit meadow land, pasture land and water-courses. Moreover let the aforesaid land be free from every yoke of earthly service, with the exception of three, to wit sharing of military service and the repairing of bridges and fortresses. *Cyrne* is indeed one of those small manors which in former times a certain Earl, whose name was *Ælfric*, had seized

^a Sic.

Part II. sibi in propriam hæreditatem usurpavit. Ac deinde temporum variante vice, necne instigante humani generis perversissimo temptatore diabolo, contra Deum meumque regale imperium multa et inaudita miserabiliter committens piacula, Episcoporum, Ducum omniumque hujus regni optimatum, unanimo legali consilio æquissimoque judicio, in villa regia quæ *Anglica* appellatione *Cirneceastre* dicitur, ipso extra patriam in exilium addicto, non solum illæ quas a præfata muliere abstraxit, sed et cæteræ omnes, quas jure possidebat hereditario, sibi ac omni suæ posteritati interdictæ fuerunt, mihiq; in proprium jus habendi donandique firmiter et immobiliter sunt æternaliter deputatæ. Ego quoque post hæc cum consilio et precatu optimatum meorum concessi, quatenus præfata vidua direpta sua resumeret ac vita comite possideret, quæ humiliter suscipiens et rationabiliter fruens et in ultimo hujus labilis vitæ termino, omnes mihi benevola mente in proprium jus restituit. Si autem tempore contigerit aliquo quempiam hominum aliquem libellum ob istarum apicum adnichilationem in palam producere, omni

and then conspires against the King. He is outlawed and banished by the Witenagemot assembled at Cirencester, and all his possessions adjudged to the King.

At the prayer of the Witan, Ethelred restores the land to Ealflæd, to be held by her during the term of her life.

from a certain matron called *Ealhflæd* and took as his own property. And afterwards the Earl taking advantage of the change of the times and doubtless prompted by the devil, that perverse tempter of mankind, and having committed many vile and unheard-of deeds in his wickedness against God and my royal rule and being condemned to exile without the borders of the country by the unanimous and lawful approval and righteous verdict of the Bishops, Dukes and all the optimates of this realm, in the royal township which is in *English* called *Cirencester*, not only those lands which he seized from the aforesaid lady, but also all the rest of the lands which he possessed by hereditary right were prohibited to him and all his heirs and were assigned to me in my own right to hold and to grant firmly and unalterably for ever. Whereupon I also on the advice and prayer of my optimates granted that the aforesaid widow should again resume the lands stolen from her and possess them during her lifetime, and she humbly accepting the same and reasonably enjoying the use thereof, restored all of them to me in my own right at the latter end of this fleeting life, with a mind deeply grateful to me. If however it shall come to pass at any time that any man openly produces any writing with intent impiously to annul these charters of ours, in the name of the Holy Trinity I utterly cut him off

modo in nomine Sanctæ Trinitatis ab omnibus Christianis interdico; ita ut meum donum corroboratum sit cum signaculo sanctæ crucis, ut nec sibi nec aliis proficiat sed ^ain sempiterno graphio deleatur; denique vero si quis nostræ dapsilitatis donum violari fraudulenter temptaverit, sciat se die ultima judicii coram Deo rationem redditurum, atque cum reprobis quibus dicitur, "Discedite a me, maledicti, in ignem æternum," pœnis atrocibus se esse passurum, sine antea corporea lamentatione emendaverit. Prædicta siquidem tellus his terminis circumcincta clarescit.

Part II.

Curses and imprecations upon such as shall violate the grant.

[Here follow the boundaries.]

Acta est præfata donatio anno ab incarnatione Domini nostri Jesu Christi, dccccxcix, indictione xij, his testibus consentientibus, quorum inferius nomina karaxantur.

Ego ÆTHELRED, Rex *Anglorum*, hoc taumate agiæ crucis roboravi. Ego *Ealfric, Dorobernensis* ecclesiæ Archiepiscopus, ejusdem Regis benevolentiam subscripsi. Ego *Ealdulf, Eboracensis* ecclesiæ Archipræsul; hilari vultu consensi. Ego *Ælfheah*, Præsul, sigillum sanctæ crucis impressi. Ego

Confirmation by the Witenagemot.

from the society of Christians; that my gift may be so confirmed with the sign of the holy cross, as not to profit him or any others, but let him be blotted out of the everlasting writing; finally if any man should attempt to violate with fraud the gift of our bounty, let him know that on the last day of judgment he will render an account before God and that he will suffer grievous penalties with the rejected, to whom the words are spoken "Depart from me, ye cursed, into everlasting fire," unless he beforehand shall have repented of his crime with lamentation of the body. The aforesaid land is surrounded by the following boundaries and is to be known therefrom.

(Here follow the boundaries.)

The above-mentioned donation was made in the year of the incarnation of Our Lord Jesus Christ 999, in the twelfth indiction, with the consent of those witnesses whose names are written below.

I, ÆTHELRED, King of the *English*, have corroborated this with the sign of the holy cross. I, *Ælfric*, Archbishop of the Church of *Canterbury*, have subscribed the benevolence of this same King. I, *Ealdwulf*, Archbishop of the Church of *York*, have with joyful countenance given my assent thereto. I,

^a Sic.

Part II. *Uulfstan*, Episcopus, corroboravi. Ego *Ælfheah*, Episcopus, consolidavi. Ego *Æscuwig*, Episcopus, confirmavi. Ego *Athulf*, Episcopus, depinxi. Ego *Ordbriht*, Episcopus, annotavi. Ego *Godwine*, Episcopus, subscripsi. Ego *Athelstan*, Episcopus, acquievi. Ego *Uulfsie*, Episcopus, consignavi. Ego *Lyfinge*, Episcopus, non renui. Ego *Ælfuuold*, Episcopus, conclusi. Ego, *Ælfthrida*, mater ejusdem Regis, fautrix extiti. Ego *ÆTHELSTAN*, filius ejusdem Regis, non interdixi. Ego *Ælfric*, Dux. Ego *Ælfhelm*, Dux. Ego *Leofsige*, Dux. Ego *Leofwine*, Dux. Ego *Ælfuuerd*, Abbas. Ego *Uulfgar*, Abbas, gaudens dictavi. Ego *Ælsige*, Abbas. Ego *Kenulf*, Abbas. Ego *Ælsige*, Abbas. Ego *Æthelnodus*, Abbas. Ego *Æthelmær*, Minister. Ego *Ordulf*, Minister. Ego *Brihtuuold*, Minister. Ego *Uulfheah*, Minister. Ego *Uulfgeat*, Minister. Ego *Æthelric*, Minister. Ego *Uulfric*, Minister. (Bib. Cott. Claudius B vi, f. 91.)¹

(17.)

A.D. 1012.
Ethelred, King of all the
nations of the people of

Ego *ETHELREDUS*, Rex nationum totius gentis *Britannicæ*, pro adipiscenda cœlestis vitæ præmia, cuidam

Ælfheah, Bishop, have impressed thereon the seal of the holy cross. I, *Wulfstan*, Bishop, have corroborated it. I, *Ælfheah*, Bishop, have made it firm. I, *Æscuwig*, Bishop, have confirmed it. I, *Athulf*, Bishop, have written my name thereon. I, *Ordbriht*, Bishop, have appended my sign. I, *Godwine*, Bishop, have written my signature. I, *Athelstan*, Bishop, have granted my consent. I, *Wulfsige*, Bishop, have joined in signing this. I, *Lyfing*, Bishop, have not withheld my consent. I, *Ælfweald*, Bishop, have joined in assenting thereto. I, *Ælfthryth*, the mother of this same King, support it. I, *ETHELSTAN*, son of this same King, have not forbidden it. I, *Ælfric*, Duke. I, *Ælfhelm*, Duke. I, *Leofsige*, Duke. I, *Leofwine*, Duke. I, *Ælfwerd*, Abbot. I, *Wulfgar*, Abbot, have with joy assented. I, *Ælsige*, Abbot. I, *Kenulf*, Abbot. I, *Ælsige*, Abbot. I, *Æthelnoth*, Abbot. I, *Æthelmær*, Thane. I, *Ordulf*, Thane. I, *Brihtwold*, Thane. I, *Wulfheah*, Thane. I, *Wulfgeat*, Thane. I, *Æthelric*, Thane. I, *Wulfric*, Thane. (Cotton MS. Claudius B vi, f. 91.)

(17.)

I, *ETHELRED*, King of the nations of the whole people of *Britain*, with a view to obtaining the reward of life in heaven,

devotissimo Dei famulo *Godwino*, *Hrofensis* parrochiæ Episcopo michique oppidò familiariter dilecto, dono liberali dextera xv mansas terrarum in villa æt *Stantun* et æt *Hiltun*, cum omnibus appendiciis suis in pascuis et pratis, omnibusque quæ hujusce villæ sunt juris, ut possidens perhenniter possideat, et post se heredem cui sibi libuerit præficiat, ea interposita ratione ut jugi deprecatione pro meæ salutis integritate Dominum interpellando exoret. Erat autem eadem villa cuidam matronæ, nomine *Æthelflæde*, derelicta a viro suo, obeunte illo, quæ etiam habebat germanum quendam, vocabulo ^a*Leofsinum*, quem de satrapis nomine tuli ad celsioris apicem dignitatis, dignum duxi promovere, ducem constituendo scilicet eum, unde humiliari magis debuerat, sicut dicitur, "Principem te constituerunt, noli extolli"¹ et cætera. Sed ipse hoc oblitus, cernens se in culmine majoris status ^bsub rogatu famulari sibi pestilentes spiritus promisit, superbix scilicet et audaciæ, quibus nichilominus ipse se dedit in tantum, ut flocci penderet quin offensione multimoda me multoties graviter offenderet.

with bountiful hand do bestow on *Godwine*, a most devoted servant of God, Bishop of the See of *Rochester*, dearly and intimately beloved by me, fifteen hides of land in the township of *Stanton* and *Hilton* with all their appurtenances in pasture lands and meadow lands and all that is of the right of this township, so that he may possess it for ever, and after him appoint heir thereto whomsoever he will, with this condition namely that by perpetual intercession and solicitation he may entreat God for the fulfilment of my salvation. Now this same manor once belonged to a certain matron by name *Æthelflæd*, having been bequeathed to her by her husband when he died; and she also had a brother, by name *Leofsige*, whom I raised from among the thanes by title to a pitch of loftier dignity, thinking him worthy of promotion, that is, by making him a duke, whereupon he ought to have shewn the greater humility, as it is said "They have appointed thee a Prince: be ye not lifted up," etc. But he forgetting this, and seeing himself on a pinnacle of a higher station in exchange for that of a servant, did produce for himself certain pestilent spirits, to wit of pride and audacity, to which he none the less delivered himself up, to such an extent that he thought it a light matter that he should time and again seriously offend me

Part II.

Britain, grants Stanton and Hilton to the Bishop of Rochester.

Recital of his title to the property.

Leofsige, or Leofsige, who had been advanced to the dignity of a Duke by the King's grace and favour, treacherously murders Alfric, the King's High Geref. As a punishment for his crime he is outlawed and banished, together with his accomplices. His sister Ethelfleda affords him counsel and assistance, in consequence whereof she forfeits all her property.

^a lege, *Leofsinum*.

^b Sic.

Part II. Nam praeffectum meum *Aeficum*, quem Primatem inter primates meos taxavi, non cunctatus in propria domo ejus eo inscio perimere, quod nefarium et peregrinum opus est apud Christianos et Gentiles. Peracto itaque scelere ab eo, iniū consilium cum sapientibus regni mei, petens ut quid fieri placuisset de illo decernerent, placuitque in commune nobis eum exulare et extorrem a nobis fieri cum complicitibus suis^a. Statuimus etiam inviolatum foedus inter nos, quod qui praeumpsisset infringere, exhereditari se sciret omnibus habitis, hoc est, ut nemo nostrū aliquid humanitatis vel commoditatis ei sumministraret. Hanc optionis electionem posthabitam nichili habuit soror ejus *Aethelflæd*, omnia quæ possibilitatis ejus erant, et utilitatis fratris omnibus exercitiis studuit explere, et hac de causa aliarumque quam plurimarum exheredem se fecit omnibus. Sit ergo prae dicta

with offence of many a kind. For he did not hesitate to slay unawares, even in his own house, my praeffect *Aefic*, whom I valued as highest among my high-reeves, a deed which is held to be wicked and foreign both among Christians and Gentiles. And so since this evil deed had been committed by him, I took counsel with the wise men of my realm, asking them to decree what should be done to him, and it was unanimously decided by us that he should be exiled and banished from amongst us with his accomplices. We also did enact an inviolable agreement amongst ourselves (and he who shall presume to break this treaty shall come to the knowledge that he is declared forfeit of all his possessions), which was that none of us should do him any service of human kindness or help. This deliberate decision his sister *Aethelflæd* ignored and held of no account, and strove by every effort to accomplish everything in her power which could advantage her brother; and for this and very many other reasons she forfeited

^a This event took place in 1002. Dux *Leofsius* (Sax. Chron. p. 175, *Leofsige*) nobilem virum *Eafic*, summum regis praepositum, occidit, unde Rex ira succensus patria illum expulit (Flor. Wigorn.). [Duke *Leofsius* (AS. Chronicle, p. 175, *Leofsige*) killed a noble earl *Eafic*, the King's high-reeve, whereupon the King, moved to great anger, did banish him from the land.] In the Saxon Chronicle *Aefic* is called the King's "Heah-gerefa." It will be recollected, that *Leofsige* appears in another of Ethelred's charters (see above, pp. 177—179).

donatio ab omni ^amundiali servitio immunis, excepto quod omnibus est generale terris, pontis videlicet vel arcis recuperatione et expeditione.... Part II.

Anno ab incarnatione Domini Millesimo xii. indictione x. caraxatum est hoc polipticum et signaculo crucis insignitum, his testibus magnifice firmiterque adamantino stilo firmantibus. Ego *ÆTHELREDUS* Rex *Anglorum* præfatam terram, pro amore Dei ejusque genitricis et perpetuæ Virginis Mariæ, *Godwino* episcopo cum vivificæ crucis vexillo impressam libens concessi. Ego *Ælfgyfu*, Regina, domini mei Regis dono arrisi. Ego *Wulfstan*, Archiepiscopus, cum coepiscopis nostris et filiis Regis, et abbatibus et ducibus et militibus, quorum nomina inserta sunt corroboravi. Ego *Eadnoth*, Episcopus. Ego *Athulf*, Episcopus. Ego *Æthelwoldus*, Episcopus. Ego *Ælfgar*, Episcopus. Ego *Godwinus*, Episcopus. Ego *Æthelsie*, Episcopus. Ego *Brihtwoldus*, Episcopus. Ego *Leuing*, Episcopus. Ego *Ælfhun*, Episcopus. Ego *Ælmar*, Episcopus. Ego *Wulfgar*, Abbas. Ego *Ælfsi*, Abbas. Ego *Brihtmær*, Abbas. Ego *Ælfwi*, Abbas. Ego *Ælfsi*, Abbas. Ego *Eadric*, Abbas. Ego *Brihstan*, Abbas.

Confirmation by the Members of the Witenagemot, amongst whom are Syferth and Morcar, the chief Thanes of the Danish Burghs.

everything. Let therefore the aforesaid gift be free from all earthly service, except that which is common to all lands, to wit the repairing of bridge or fortress and military service....

In the year after Our Lord's Incarnation 1012, in the tenth Indiction, this deed was written and signed with the sign of the cross, while the following witnesses nobly and firmly with adamantine pen attested it:—

I, *ETHELRED*, King of the *English*, for the love of God and Mary his mother and ever Virgin, have willingly granted to Bishop *Godwin* the aforesaid land, impressed with the banner of the life-giving cross. I, *Ælfgyfu*, Queen, have approved of the gift of my Lord, the King. I, *Wulfstan*, Archbishop, with our fellow Bishops and with the King's Sons, and Abbots and Dukes and Knights, whose names are appended, have corroborated the gift. I, *Eadnoth*, Bishop. I, *Athulf*, Bishop. I, *Æthelwold*, Bishop. I, *Ælfgar*, Bishop. I, *Godwin*, Bishop. I, *Æthelsie*, Bishop. I, *Brihtwold*, Bishop. I, *Lyuing*, Bishop. I, *Ælfhun*, Bishop. I, *Ælmar*, Bishop. I, *Wulfgar*, Abbot. I, *Ælfsi*, Abbot. I, *Brihtmær*, Abbot. I, *Ælfwi*, Abbot. I, *Ælfsi*, Abbot. I, *Eadric*, Abbot. I, *Brihstan*,

^a Sic.

Part II. Ego *Eadmær*, Abbas. Ego *Oscytel*, Abbas. Ego *Eadric*, Dux. Ego *Uhtred*, Dux. Ego *Leofwine*, Dux. Ego *Ælfric*, Dux. Ego *Æthelmær*, Miles. Ego *Syferth*, Miles. Ego *Æthelweard*, Miles. Ego *Godwine*, Miles. Ego, *Morcar*, Miles. Ego *Ælfgar*, Miles. Ego *Wada*, Miles. Ego *Ulfkytel*, Miles. Ego *Thurkytel*, Miles. Ego *Æthelwine*, Miles. Ego *Æthelwold*, Miles. Ego *Ælfmar*, Miles.

(Textus Roffensis, pp. 136, 137, 138.)¹

Abbot. I, *Eadmær*, Abbot. I, *Oscytel*, Abbot. I, *Eadric*, Duke. I, *Uhtred*, Duke. I, *Leofwine*, Duke. I, *Ælfric*, Duke. I, *Æthelmær*, Knight. I, *Syferth*, Knight. I, *Æthelweard*, Knight. I, *Godwin*, Knight. I, *Morcar*, Knight. I, *Ælfgar*, Knight. I, *Wada*, Knight. I, *Ulfkytel*, Knight. I, *Thurkytel*, Knight. I, *Æthelwine*, Knight. I, *Æthelwold*, Knight. I, *Ælfmar*, Knight. (Rochester Text, pp. 136, 137, 138.)]

(18.)

Translation of a charter by which Canute restores certain lands to Christ's Church, Canterbury.

"It is witnessed in this writing, how King CANUTE gave up to Christ's Church, at Canterbury, that land at Folkstone, when *Eads*i his priest turned monk there, upon this condition, that *Eads*i the monk shall have it during all his lifetime. But he may neither give it nor sell it, nor lose it by default, nor forfeit it², so as to defeat the right of the convent. And after his days are ended, let the land go to the ministers who serve God in Christ's Church."

"Canute so settled the land," the charter then states, "because his Witan informed him that the land had belonged to Christ's Church in the days of King Athelstane and Archbishop Odo, and had since been tortiously usurped."

"This was done at Kingston, in Surrey, on the Holy Day of Pentecost, and the following are the witnesses thereof: *ÆLF*GIVU IMMA, the Lady. Archbishop *Ægel*noth. *Ælf*uine, Bishop of London. *Ælf*si, Bishop of Winchester. *Ægel*ric, Bishop of *Sussex*. *Æl*mar, Abbot of *St. Augustine's*. *Wul*noth, Abbot of *Westminster*. *Ælf*wine, Abbot of *Newminster*, and *Wulf*si, Abbot of *Chertsey*. Earl *Ulf*—Earl *Eglaf*—Earl *Lyfwine*—Earl *Harold*—Earl *Yric*. *Thored*, the Staller. *Agamand*. *Osgod Clapa*. *Tosig*. *Ægel*uine, the son of *Ælf*helm. *Siward* of *Chilham*. *Ægil*ric *Bigga*. *Ælf*ward, the Kentish Man, and *Eadmer* of *Burham*. And

all the King's Counsellors, Clerks, and Laymen, who were there assembled^a. And of these writings there are three. One is kept in Christ's Church, another in the Abbey of St. Augustine, and the third is in the King's 'Halydome,' i.e. amongst the relics in his chapel." (Lambeth MS. no. 1212, f. 408.)¹

Part II.

(19.)

Ego *Lyfing*, superni Rectoris fultus juvamine, in *Wiogorna* civitate ecclesiæ [præsul], cum licentia HEARDECNUTI, Regis, ac *LEOFRICI*, Ducis *Merciorum*, meo fideli homini qui a gnosticis noto *Aegelric* nuncupatur vocabulo ob ejus fidele obsequium quandam ruris particulam, Duas videlicet mansas in loco quem illius terræ solicolæ *Elmlæh* vocitant, libenti concedo animo, cum omnibus ad se rite pertinentibus ut ipse vita comite fideliter perfruatur. Et post vitæ suæ terminum

Lyvyngus, Bishop of Worcester, with the consent of King Hardicanute, and Leofric, Duke or Earl of the Mercians, grants Elmley to his true man, *Ægelric*, for three lives.

(19.)

[I, *Lyfing*, supported by the help of the Divine Ruler above, Head of the Church in the city of *Worcester*, with the consent of King *HARDICANUTE* and *LEOFRIC*, Duke of *Mercia*, do hereby grant with willing mind, to my faithful man who is called by the skilled by the well-known name of *Aegelric*, for his faithful service, a certain parcel of land, to wit two hides in the place which the inhabitants of this land call *Elmley*, with all the privileges that rightly appertain thereto, so that during his life he may faithfully enjoy it. And after the end of his life he may bequeath it to two heirs whomsoever he will.

^a "Ealle ðæs kyninges rædgyfan gehadode and læwede ðe þær gesamnode wæron." [All the king's counsellors, clerks and laymen, who were there assembled.] I may here remark, that an ancient register of Canterbury cathedral contains many inedited documents of great interest and value. By another charter (Somner's Gavelkind, p. 213)², *Eads*i, styled the priest of *Canute*, King, and of *Elgiva*, the Lady, settled many other large possessions upon the Church of Canterbury, "and thereof are witnesses—the King and the Queen, Archbishop *Æthelnoth*, and *Ælfstan*, the Abbot, and *Brihttric*, 'geonga,' or the young, and *Æthelric*, the Husbandman, and *Thorth*, *Thurkill's* nephew, and *Tofi*, and *Ælfwine*, the priest, and all the King's rædesmen."

Part II. duobus quibus voluerit cleronomis derelinquat. Quibus etiam ex vita migratis, rus prædictum ad usum primatis ecclesiæ in *Wiogorna* civitate restituatur immune. Sit autem prædicta terra libera ab omni seculari negotio, tribus exceptis, id est expeditione, pontis arcisve edificatione.

Confirmation by the
Witenagemot.

Ego *HEARDECNUT*, Rex, præfatam donationem concessi. Ego *Aelfric*, Archiepiscopus, cum caractere sanctæ crucis consignavi. Ego *Eatsie*, Archiepiscopus, confirmavi. Ego *Lyfing*, Episcopus, dignum duxi. Ego *Aethestan*, Episcopus, addesco. Ego *Duduc*, Episcopus, adnuo. Ego *Aelfweard*, Episcopus. Ego *GODWINE*, Dux. Ego *LEOFRIC*, Dux. Ego *HARALD*, Dux. Ego *Godwine*, Abb. Ego *Aelfric*, Abb. Ego *Aelfwine*, Abb. Ego *Aethelwine*, Sacerd. Ego *Eatstan*, Sacerd. Ego *Wulfwi*, Sacerd. Ego *Wulfweard*, Sacerd. Ego *Wilstan*, Sacerd. Ego *Wulfstan*, Sacerd. Ego *Leofwine*, Diacon. Ego *Eadwi*, Diacon. Ego *Odda*, Miles. Ego *Bryhtric*, Miles. Ego *Aelfric*, Miles. Ego *Bryhtric*, Miles. Ego *Bryhtwine*, Min. Ego *Leofric*, Min. Ego *Aethelric*, Min. Ego *Dodda*, Min. Ego *Atsere*, Min. Ego *Aelewi*, Min. Ego *Eadwi*, Min. Ego *Thuri*, Min. Ego *Wigod*, Min. Ego *Godric*, Min. (Smith's Bede, App. p. 780.)¹

And when they have departed this life, let the aforesaid land be restored intact to the use of the Bishop of the Church in the township of *Worcester*. Moreover let the aforesaid land be free from all secular duty, with the exception of three, to wit military service and bridge and fortress building.

I, *HARDICANUTE*, King, have consented to the aforesaid donation. I, *Aelfric*, Archbishop, have signed it with the mark of the holy cross. I, *Eadsige*, Archbishop, have confirmed it. I, *Lyfing*, Bishop, have thought it worthy. I, *Aethelstan*, Bishop, add my signature thereto. I, *Duduc*, Bishop, assent. I, *Aelfward*, Bishop. I, *GODWIN*, Duke. I, *LEOFRIC*, Duke. I, *HARALD*, Duke. I, *Godwin*, Abbot. I, *Aelfric*, Abbot. I, *Aelfwine*, Abbot. I, *Aethelwine*, Priest. I, *Eatstan*, Priest. I, *Wulfwig*, Priest. I, *Wulfweard*, Priest. I, *Wilstan*, Priest. I, *Wulfstan*, Priest. I, *Leofwine*, Deacon. I, *Eadwig*, Deacon. I, *Odda*, Knight. I, *Bryhtric*, Knight. I, *Aelfric*, Knight. I, *Bryhtric*, Knight. I, *Bryhtwine*, Thane. I, *Leofric*, Thane. I, *Aethelric*, Thane. I, *Dodda*, Thane. I, *Atser*, Thane. I, *Aelewi*, Thane. I, *Eadwig*, Thane. I, *Thuri*, Thane. I, *Wigod*, Thane. I, *Godric*, Thane.]

SYMBOLS OF INVESTITURE.

In supposing that there was originally a consistent system of symbols, by which land was transferred, we must bear in mind that these tokens would apply to the *relative* estate of the parties to the transaction. In Scotland, the vassal who alienates his feud, gives seisin to the grantee, by the delivery of earth and stone,—he transfers all the possession which he has. But when he resigns that same feud into the hands of his superior, the tradition of the usufruct is made “*per fustem et baculum*” [by delivery of wand and stick]. A remarkable instance of seisin given by symbols is found in the life of St. Birlanda¹. The unkind, delicate and fastidious maiden refused to consort with her leprous father. Oidelardus revenged himself by disinheriting the undutiful child, and transferred all his domains, with all the villeins thereupon, to St. Gertrude, by placing all the symbols of property upon her shrine,—a turf, a twig, and a knife,—indicating that all his estate was alienated to the monastery^a.

Application of Symbols.
(See Part I., pp. 113, 114.)

Examples of seisin given
by symbols.

When Tassilo submitted to Charlemagne, and renewed his vassalage, he surrendered his dominions by delivering a staff, at the head whereof was the image of a Man—perhaps an ancient idol^b.

Amongst the Danes, according to Kofod Ancher, the learned commentator upon the laws of that nation, the ceremony called “*Skjodning*,” was indispensable to the transfer of property. A turf or clod was cast or “shot” by the Grantor into the cloak or hood of the Grantee. This act could only take place in full court, or in some assembly of equivalent publicity. Proof that the earth had been duly delivered, was proof of the title to the land^c. The knife,

^a Acta Sanct. Februarii I. p. 379. This transaction took place in the reign of Dagobert. The annotator remarks, that in many Belgic districts, the distinction which I have noticed (Part I., p. 114) was strictly observed. The soil was transferred by the delivery of the turf; the usufruct, or qualified estate, by the staff.

^b Annales Nazariani, ad annum 787, Recueil des Historiens, V. p. 12.

^c Ancher's History of the Danish Law, II. p. 415.

Part II. or rather a dagger, occurs not unfrequently in the continental grants^a,—and the “small silver sword,” as it is called, by which Gillespie Moir received investiture from Culen, the Scoto-Pictish King (A.D. 965), is a weapon of this description^b. The actual delivery of the symbols is rarely noticed in terms in the Anglo-Saxon “land-boes”; but I may remark, that no argument whatever can be drawn from their silence. Livery of seisin is never mentioned in the early feoffments at Common Law^c, though the charter would have been wholly inefficacious, if the ceremony had not been duly performed.

^a Du Cange, III. p. 1523¹.

^b Archæologia, XI. p. 46.

^c In comparatively recent times, it became the practice to endorse a memorandum of livery of seisin on the deed.

SUMMARIES OF ANGLO-SAXON HISTORY. Part II.

THE following Summaries¹ are intended to display the succession of the Rulers who governed the several states composing Anglo-Saxon Britain; together with an indication of the principal events connected with their progress or decay, their subjection or supremacy; and I hope these Tables will not be without their use, in enabling the reader to gain a clearer idea of the general course of Anglo-Saxon history, than can be obtained when the whole is blended into one narrative. From the complicated involution of the affairs relating to the different Kingdoms, it would be tedious to write complete histories of each state down to the time of the Norman Conquest; for as they were almost always engaged in warfare with each other, every battle would become a twice told tale. Yet the streams, if I may use the expression, continue, in great measure, distinct to the last; and it is very important that such their distinct and separate existence should be clearly understood and comprehended.

One of the most important of the objects to be answered by these chronological abstracts is that, which, from the want of materials, can only be accomplished in the most imperfect manner. I mean, the display of the succession of the Subreguli, Ealdormen, Dukes, "Comites," and other Vassal-princes by whom the minor states of the Island were ruled.

Of the very numerous Homagers included in this class, and who composed the Witenagemot, or Great Council in each Kingdom, scarcely any notices are preserved in the Chroniclers. The pious and powerful branch of the Royal House of Mercia, who governed the state of the "*Hwiccas*," can only be traced by their Charters and Donations; and if one of them, "*Ethelmund*," is noticed in our annals, it is only the accidental mention of an obscure conflict which

Difficulty of understanding Anglo-Saxon History, unless the student gains a distinct idea of the succession of each state.

Few of the names of the "Subreguli," Dukes, &c. and other dependants, or Vassal Princes, preserved by the Chroniclers.

The succession of the Rulers or Subreguli of the *Hwiccas* only known from their charters.

Part II. has placed him in the page of history. And I believe that the great part of my readers will, for the first time in their lives, become acquainted with the existence of a state which must have been quite as important in Britain as the Kingdoms, equally dependent, of Essex and of East Anglia, so familiarly known as portions of the mis-called "Saxon Heptarchy."

When Mr. Petrie's invaluable collection shall have appeared¹, I do not doubt but that it will afford the most ample means for completing a task, which has cost much labour, however unsatisfactory the result, as here presented, may be. I trust, however, that this labour has not been ill bestowed. Our opinions concerning the Anglo-Saxon Legislature are extremely cloudy and indistinct, in consequence of the difficulty which we feel when we attempt to identify and localize the parties. They come like shadows and depart as shadows; and though the Charter may put us in full possession of the roll of the Witenagemot, it does not convey any intelligible idea of the nature of the Senate. All we know is, that the King wore his crown in the midst of a crowd of Chieftains, as strange to us as the sons of Odin; but their uncouth names will not in the slightest degree enable us to estimate the influence which they may have possessed, or to appreciate the power of the Sovereign by whom they were convened.

But if we can locate any of the Members on the map, or discover their ancestry, or point out the possessions of which they were seized, we can then *realize* the "Meeting of Sages"; and the rank and station of those who can be identified, must be allowed to vouch for the rank and station of their compeers, who enjoyed the same rights, and sat in the same assembly.

By collecting, therefore, the fasti of the different minor states, and by bringing together the names of their rulers, we are enabled to elucidate the composition of the Supreme Councils of the Anglo-Saxons at different and distant periods, not from theory, but from strict evidence of the classes and orders of which they were composed.

The Annals of Strath-Clyde and Cumbria and the Scots have compelled me to enter slightly upon the verge of Celtic history. Amongst the many causes which entangle all inquiries concerning that ancient people, the great uncertainty of the orthography of their proper names is not

Corruptions and alterations of proper names.

the least. This source of difficulty has been extremely aggravated by the errors of transcribers; and the monkish writers, in seeking to euphonize and ennoble the denominations of their heroes, have given them still greater distortion.

The name of "*Eocha*^a," when standing alone and without any affix, is found in nine several forms,—*Eocha*, *Eachach*, *Ethach*, *Eochuid*, *Eoghuid*, *Eokal*, *Ethasi*, *Achajus* and *Achilaus*. *Eochoidh-Rinnemhail*, or *Eochol-habens-curvumnasum*, runs the changes through *Heoghed-rinavel*, *Hecgedronaval*, *Echdach*, *Echadach*, *Eoghed*, and ultimately settles in the well sounding *Eugenius*; and *Gairig* becomes *Girg*, *Girig* and *Greg*, which last sorry monosyllable expands into *Gregorius Magnus*.

It may be remarked that, though much less fluctuating than the Celtic, the Anglo-Saxon names have been varied by the different dialects of the language. *Oedilberct*,—*Oidiluald*,—*Aelbfted*, in the rude Northern speech of Bede, are softened by Alfred into *Æthelbyrht*, *Æthelwald* and *Alfred*. According to the idioms of different shires, the names of *Beortnoth*, *Beornoth*, or *Bryhtnoth*—*Æthestan* or *Æthelstan*—*Athelwulf*, *Athulf* or *Adulf*, applied to the same individuals, and usually considered as various readings or corruptions of the Anglo-Saxon manuscripts, should be valued as elucidations of the different idioms that have prevailed. And therefore there is great reason to doubt, whether any modern critic, however great his knowledge may be, can form a good Anglo-Saxon text, by inserting a word from one manuscript and altering the turn of a phrase upon the authority of another; for this process must inevitably produce a medley of the dialects of different periods and of different districts, which would have sounded as uncouth to the Anglo-Saxon ear, as the introduction, e.g. of the Scottish of Gawin Douglas into the verses of Dryden's Virgil.

British names written by a Sassenach, or English names by a Briton, are reciprocally deformed by the pronunciation and by the orthography of the respective nations. The Britons, for example, generally add or substitute *g* or *gu* to or for the letter *w*. Thus, by the Cumbrian genealogist (appended to Nennius), *Uffa*, or *Wuffa*, the founder of the East Anglian dynasty, is converted into *Gweccha*.

^a Innes, 133.

Part II. In all cases we are constantly liable to be led astray by the mistakes arising from the confusion of letters bearing the same form in ancient MSS., such as *n* and *u*; *c* and *t*, &c. Some of these corruptions have become so inveterately fixed in English history, that we hardly know how to remove them; and we almost feel some scruples in expelling *Arlaf* the Dane, in order to make room for *Aulaf* or *Olave*.

These circumstances must be carefully kept in mind; as we may otherwise suppose that authorities contradict each other, though, in fact, they agree. Thus Alfred's genealogies¹ represent *Cuthwin* as the son of *Celm*, not of *Cearlin*. But Bede (ii. 5), informs us, that *Cearlin* was also called *Cælin*, and the error of the transcriber, who united the syllable "*in*" into the letter "*m*," has produced another name.

A correction of a similar nature establishes the authenticity of the record, testifying the submission of the Welsh Princes to the jurisdiction of the Anglo-Saxon Crown^a.

Another example may be given, of the light derived from these corrections: Lambard and Wilkins have published a Compact, of which they translate the first paragraph in the following manner: "Hoc est consilium quod Anglicæ nationis sapientes, et Walliæ Consiliarii inter *Monticolas* constituerunt." [This is the decision which the wise men of the English nation and the Counsellors of Wales have determined upon between the dwellers in the mountains.]² As, in the course of this document, a *River* is noticed as the boundary between the two nations, their local situation cannot be easily reconciled with the title of the instrument; but by reading "*Devnsetan*" instead of "*Deunsetan*," all difficulties disappear, and we find that it is a treaty between the British and English Inhabitants of Devon, and which establishes the very important fact, that the Britons still existed as a people, unmingled with their conquerors.

^a See below, Summary of the History of Edward the Elder, pp. 362 ff.

WESSEX. OLD SAXONS AND JUTES.

Ælla, King of Sussex, was acknowledged as Bretwalda^a, from 477 to 514, or thereabouts, and, therefore, during this period, Wessex must be considered as being under his supremacy. (Bede, ii. 5.)

- 494¹ *CERDIC* and *CYNRIC*, his son, "Ealdormen," or *CERDIC* and *CYNRIC*.
 Leaders of the "Old Saxons," land at the place afterwards called Cerdic's ore.
- 501 *Port*, *Bieda*, and *Mægla* land at *Llongborth*: slay *Geraint*, the son of *Erbin*, Prince or Ruler of "Dyvnaint."
- 508 *CERDIC* and *CYNRIC* attack the Britons under *Nazanleod*, whom they slay, together with 5000 of his followers.
- 514 *Stuf* and *Wihtgar*, nephews of *CERDIC*, land.
- 519 *CERDIC* and *CYNRIC* defeat the Britons at Cerdic's *CERDIC* and *CYNRIC*.
 ford, and assume the government of the districts which they had conquered.
- 527 *CERDIC* and *CYNRIC* defeat the Britons at Cerdic's lea.
- 530 Isle of Wight taken, and given to *STUF* and *WIHTGAR*.
- 534 *CERDIC* ob.—*CYNRIC* succeeds to all his dominions *CYNRIC*.
 —Wight continues as a subordinate kingdom.
- 552 Sarum taken from the Britons.
- 556 Battle of Beranbyrig—Britons defeated by *CYNRIC* and *CEAWLIN*, his son.
- 560 *CEAWLIN*², son of *CYNRIC*, succeeds on the death *CEAWLIN*.
 of his father.

^a In this summary, the name of the Bretwalda, or other paramount Sovereign, is printed in Black Letter, and in the margin opposite to that which contains the names of the vassal kings or princes; the latter are in Italic Capitals. For those who are independent, but who did not enjoy any Imperial supremacy, Roman Capitals are used.

Part II. 568 **ETHELBERT** of Kent claims the supremacy of Britain—invades Wessex, but is defeated by **CEAWLIN** and **CUTHWULF**, his brother, also called **CUTHWIN** or **CUTHA**. About this time **Ceawlin** attains the dignity of Bretwalda.

WESSEX.

Ceawlin.

571 *Bedford, Lenbury, Bensington, Aylesbury and Eynsham*, taken from the Britons by **CUTHWIN** and **CUTHWULF**.

577 *Gloucester, Cirencester and Bath*, taken from the Britons by **CEAWLIN** and **CUTHWULF**.

584 Many towns are taken from the Britons, but **CUTHWULF** is slain.

589 **CEOL** or **CEOLRIC**, son of **CUTHWULF**, receives a dependent kingdom; perhaps some of the territories which his father had conquered.

CEAWLIN.

Ethelbert of Kent becomes Bretwalda about this time, which authority he retains till his death, 616. (Bede, iii. 5.)

**CEOL, or
CEOLRIC.**

591 **CEOL**, or **CEOLRIC**, aided by the Britons, and, as it is said, by the Scots, rises against his uncle **CEAWLIN**, defeats him at *Wodnesburgh*, and expels him from the kingdom. (Will. Malm. Flor. Wigorn. Fordun, iii. 29.)

CEOLWULF.

597 **CEOLWULF**, or **CEOLF**, son of **CUTHWULF**, succeeds on the death of his brother, **CEOLRIC**—engaged in continued warfare with the English—the Britons—the Picts and Scots.

CEOLWULF.

607 **CEOLWULF** defeats the South Saxons.

**CYNEGILS and
CWICHELM.**

611 **CYNEGILS** and **CWICHELM**^a, succeed—reign jointly. (Will. Malm.)

614 Battle of Beandune—Britons defeated by **CYNEGILS** and **CWICHELM**^b.

Ethelbert.

^a According to Malmesbury, *Cynegils* and *Cwichelm* were the sons of Ceol, or Ceolric. Florence and the Chronicle represent *Cwichelm* as the son of *Cynegils*.

^b *Redwald*, of East Anglia, became Bretwalda after Ethelbert, but whether immediately upon the death of the latter, in 616, or at some other period, is uncertain.

- 626 Five Kings of the West Saxons killed in battle with **Part II.**
Edwin, (617—633) Bretwalda. (Bede, ii. 9.) **WESSEX.**
- 628 **PENDA**, King of Mercia, or South-humbria, invades **Wessex.** **CYNEGILS** and **CWICHELM.**
- 635 **Osward**, King of Northumbria (whose sister was married to **CWICHELM**), becomes Bretwalda^a, (635, 642)—*Wessex* subject to his empire.
 Bishopric of Dorchester (Oxon) founded by the assent of **CWICHELM**.
- 638 **CWICHELM** dies—succeeded by **CUTHRED**, his son, *CYNEGILS* alone. who, like his father, has the title of King, probably of some appanage, or dependant principality.
- 643 **CENWEALH** (son of *CYNEGILS*), succeeds on the death of his father—marries the sister of **PENDA** of Mercia, whom he afterwards repudiates. **Oswo**, Bretwalda, 642, 670. *Wessex* subject to his Empire. (Bede.)
- 645 **CENWEALH** expelled by **PENDA**. **PENDA.** *Cenwealh* expelled.
- 648 **CENWEALH**, by the help of **CUTHRED**, son of **CWICHELM**, recovers his kingdom, and in return for this assistance, he makes a donation to **CUTHRED**, of 3000 hides, or townships, near *Aescsedune*^b, or, as it is otherwise expressed, of one third part of his kingdom. (Will. Malm. H. Hunt.) **CENWEALH** restored.
- 652 Britons of the West rise against **CENWEALH**, and
 658 endeavour to regain their ancient freedom. They are defeated at *Bradanford* on the Avon, and again at "*Peonnum*," and are driven as far as the river *Pedrida*.
- 660 Bishopric of Winchester founded.
- 661 **CUTHRED** dies: his portion of the kingdom probably reverts to **CENWEALH**—Death of **CENBYRHT**, a subregulus of *Wessex*^c, being the grandson of Ceawlin, and the father of Ceadwalla.

^a **Osward** ob. 642.

^b Which Carte supposes to have been North of the Thames.

^c In the Saxon Chronicle he is called *Cenbyrht Cyning*; by Florence he is styled "Subregulus."

- Part II.** 661 Isle of Wight and "Meanwara Mægth,"¹ in Hampshire, conquered by WULFHERE, of *Mercia*, and given to *ETHELWALCH*, or *ATHELWOLD*, King of the South Saxons.
- WESSEX.**
- CENWEALH.*
- SEAXBURGH.** 672 *CENWEALH* dies: *SEAXBURGH*A, his queen, succeeds in pursuance of the nomination of her husband, and governs for about a year.
- Interregnum.* According to Bede, the reign of *Seaxburgha* was followed by an *Interregnum*, during which the *subreguli*, or *Ealdormen*, divided the kingdom, and held it for about ten years. (Bede.)
- ESCSWIN.** 674 *ESCSWIN*, great grandson of *Ceolwulf*, acquires part of *Wessex*^a.
- 675 *ESCSWIN* defeated by *WULFHERE*, of *Mercia*.
- CENTWIN.** 676 *CENTWIN*, the son of *Cynegils*, succeeds^b on the death of *ESCSWIN*.
- 681 *CENTWIN* defeats the Britons, and "drives" them to the sea—Men of *Gwent* rebel against him, but are defeated and rendered tributary^c. (*Will. Malm. de Vita Aldhelmi.*)

^a This period of the history of *Wessex* is remarkably obscure. *Malmesbury*, who states the succession of *Escwin*, attempts to reconcile his authorities to *Bede*.

^b Perhaps he now took the whole by survivorship, as he seems to have reigned jointly with *Escwin*.

^c Post biennium *Brittanos* prosecutus est *CENTWINE* Rex de finibus eorum usque ad mare.—(*Ethelwerd*, ii. 9.) 681—*Britones* qui olim totam terram, quam nunc *Angliam* vocant, possidebant tunc *Anglis* famulabantur... quorum illi, qui *Northwalæ*s, id est *Aquilonares Britones*, dicebantur, parti *West Saxonum* Regum obvenerant. Illi, quondam consuetis servitiis seduli, diu nihil asperum retulere: sed tunc rebellionem meditantes, *Kentwinus* Rex tam anxia cæde perdomuit, ut nihil ulterius sperarent. (*Will. Malm. de Vita Aldhelmi*, p. 14.)

[Two years later King *CENTWINE* drove the *Britons* from their territories to the sea. (*Ethelwerd's Chronicle*, ii. 9.) 681. The *Britons*, who once upon a time possessed the whole land, which they now call *England*, were then in servitude to the *English*... and of these those who were called *Northwalæ*s, that is to say *Northern Britons*, fell to the lot of the Kings of the *West Saxons*. Assiduous in the past at their accustomed tasks,

- 685} Death of CENTWIN.—CEADWALLA the son of **Part II.**
 686} Cenbyrht “of the royal race of the Gewissi,” strives **WESSEX.**
 to acquire the kingdom of Wessex, and succeeds, CEADWALLA
 having conquered or expelled the subreguli^a.
 686 CEADWALLA conquers Kent, Sussex, and the Isle
 of Wight.
 688 CEADWALLA resigns his throne, and retires to
 Rome, where he dies (689).
 689 INA the son of *Cenred*^b succeeds to the kingdom¹, but **INA.**
 rather by merit than by hereditary right—reigns
 37 years.
 692 *WIHTRED* and the men of Kent submit to INA.
 710 INA, and *Nunna* his kinsman, engaged in battle with
 the Britons of the West, under *Gerent*, or *Gerontius*.
 711 Bishopric of Selsea re-founded, and taken from
 Winchester, in which diocese Sussex was included,
 whence it appears that the country had been
 subjected to the supremacy of Wessex.
 715 Battle between INA and CEOLRED of Mercia at
 “*Wodnesbeorh*.”
 721 *Cynewulf* the Atheling slain.
 722 Invasion of Sussex by INA, in the 32d year of his
 reign. Queen *Ethelburgha* besieged *Taunton*, which
 had been built by INA, and *Ealdberht* was driven
 from Wessex into Surrey. (Flor. Wigorn.)
 725 War with the South Saxons—*Ealdberht* the Etheling
 slain. This *Ealdberht* may have been a competitor
 for the throne.

they for a long time offered no violence in return; but then having contemplated rebellion, King *Centwine* subdued them with such distressing slaughter as to put an end to all their hopes. (William of Malmesbury, *Life of St. Aldhelm*, p. 14.)]

^a Thus Bede, iv. 12, and Sax. Chron.—Flor. Wigorn. states, that he succeeded on the death of Centwine. Before he became King of Wessex, he was engaged in war with Ethelwalch, King of the South Saxons, whom he slew, but he himself was immediately afterwards expelled by “*Berthun*” and “*Athelhun*.” (See Sussex.) The Britons claim him as a Briton, see Part I., pp. 339, 340.

^b For the difficulties attending the elucidation of his pedigree, see Part I., pp. 339, 340.

Part II.

WESSEX

ETHELHEARD.

726 INA resigns his throne^a in favour of ETHELRED, or ETHELHEARD, of the race of Cerdic, and brother-in-law of *Ina*, being the brother of his Queen—(Will. Malm. Ant. Glast. p. 312) who succeeds accordingly, by his nomination^b. *Oswald* the Atheling, also of

^a Relicto Imperio, ac *Ethelheardo*, de prosapia *Cerdici* Regis commendato. (Flor. Wigorn.)

[When the throne had been resigned and *Ethelheard*, of the race of King *Cerdic*, had been nominated. (Florence of Worcester.)]

^b *Ethelheard* already enjoyed the title of a subregulus:—Ego INA, regali fretus dignitate a Domino, cum consilio *Seaxburgæ* reginæ et licencia *Beorhtwaldi* Dorobernensis ecclesiæ Pontificis et omnium suffraganeorum suorum, necnon etiam hortatu *BALDREDI* et *ATHELARDI* subregulorum... Scripta est autem hujus donationis et privilegii pagina anno dominicæ incarnationis septingentesimo vicesimo quinto, indictione quarta sub presenciam INE Regis et *Beorhtwaldi* Dorobernensis pontificis; venerandorumque antistitum *Danielis* atque *Fordredis* et aliorum quorum nomina inferius annotantur. Ego INA Rex proprie manus subscripcione hanc donationem et libertatem, sub sigillo Sanctæ crucis, ratam fieri decerno. Ego *Edelburga*, Regina, consensi. Ego *BALDREDUS*, Rex, confirmavi. Ego *ADELARD*, frater Reginæ, consensi. Ego *Beorhtwaldus*, Dorobernensis ecclesie Archiepiscopus, *Ine* Regis donacionem et libertatem, sub sigillo sanctæ crucis, corroboravi. Ego *Daniel*, plebis Dei inspector, adquevi. Ego *Fordredus*, Episcopus, signum crucis impressi. *Waldehere*, prefectus, *Bruta*, prefectus, *Ethelheard*, *Umning* prefectus, *Winchelin*, comes, cum presenciam populacionis consenserunt et firmaverunt. (Mon. I. 26.)¹

[I, INA, relying on the royal dignity received from the Lord, with the counsel of *Seaxburh*, Queen, and with the licence of *Beorhtweald*, Archbishop of the Church of Canterbury, and of all his suffragans, and furthermore by the advice of *BALDRED* and *ATHELARD*, vassal Kings... Moreover the charter of this donation and privilege was written in the year 725 of Our Lord's incarnation, in the fourth Indiction, in the presence of King INA and of *Beorhtweald*, Archbishop of Canterbury, and of *Daniel* and *Forthhere*, the venerable bishops and others, whose names are appended below. I, INA, the King, do hereby decree by this the signature of my own hand that this donation and immunity be ratified under the seal of the Holy Cross. I, *Æthelburh*, Queen, have given my assent thereto. I, *BALDRED*, King, have confirmed the same. I, *ADELARD*,

the royal race of Cerdic^a, opposes his succession, **Part II.**
but he is put to flight, and defeated by **ETHEL- WESSEX.**
HEARD, who thus secures himself upon the throne. **ETHELHEARD.**

The royal town of Somerton taken by **ETHELBALD**¹.

740 } **ETHELHEARD** dies, and **CUTHRED**, his kinsman, **CUTHRED.**
741 } succeeds—reigns 14 years.²

743 **CUTHRED**, in alliance with **ETHELBALD**, King of Mercia, fights against the *Wealas*, whom they defeat with great slaughter.

748 *Cynric*, Atheling of the West Saxons, the son of **CUTHRED**, slain. (Hen. Hunt.)

Ethel-
bald.

750 **CUTHRED**, King of the West Saxons, engaged in war **CUTHRED.**
against **ÆTHELHUN**, the “presumptuous Ealdorman,” who, being probably a “subregulus,” or vassal-king, attempted to free himself from the homage which he rendered to the Suzerain. **CUTHRED** obtained a hard-fought victory, and **ÆTHELHUN**, who had stood against him with a very inferior force, was borne wounded from the field, of which the King of the West Saxons remained the master, for at the same time **CUTHRED** is said to have *risen* against **Æthelbald**, the King of Mercia, who had reduced Wessex into a state of dependance.

752 The supremacy of **Æthelbald** over the West Saxons **CUTHRED.**
was accompanied with so many acts of vexation and exaction, that **CUTHRED** and his people were resolved to make a desperate effort for the purpose of relieving themselves from a yoke which had become intolerable. **ÆTHELHUN**, so lately the

the Queen’s brother, have given my consent thereto. I, *Beorhtweald*, Archbishop of the Church of Canterbury, have corroborated the donation and immunity of *Ina* the King under the seal of the Holy Cross. I, *Daniel*, Overseer of God’s people, have acquiesced. I, *Forthhere*, Bishop, have made thereon the sign of the Cross. *Wealdhere*, Prefect, *Bruta*, Prefect, *Ethelheard*, *Umming*, Prefect, *Winchelin*, Earl, have given their consent and confirmation thereto in the presence of the people.]

^a Son of *Ethelbald*, son of *Cynebald*, son of *Cuthwin*, son of *Ceawlin*.

Part II.
WESSEX.
CUTHRED.

enemy of the West-Saxon king, had now become his follower, and the hostile armies met at Beorgford^a, in the Mercian territory. **Æthelbald's** army consisted of the Mercians, his own people, the men of Kent, the East Saxons, and the East Angles. The men of Wessex were led on by *ETHELHUN*, bearing the Golden Dragon, the ensign of that Kingdom. The conflict was extremely obstinate and bloody, and at length *ETHELHUN* and **Æthelbald** encountered in single combat. The king of Mercia had hitherto found no equal in prowess, but now his strength was taken from him, and he betook himself to a shameful flight.

753 Battle between CUTHRED and the *Wealas*.

SIGEBERHT.

754 } CUTHRED dies, and SIGEBERHT, his kinsman, the
755 } son of *Sigeric*, succeeds. (Flor. Wigorn.) Sigiberht retained his authority for only a short time. Neither law nor justice restrained him, and the people would bear his rule no longer. *Cyneulf*, the kinsman of *Sigiberht*, with the aid of the Witan, who took his side, deposed *Sigiberht* from the royal office, and deprived him of his dominions, except *Hampshire*, which he retained^b. One alone of his

^a Like many other passages in Huntingdon, his account of the battle seems to be a version from an ancient poem.

^b There are some important variations in the versions of this story: *Kineulfus* de prosapia *Cerdici* Regis oriundus, auxilium sibi ferentibus *West-Saxonicis* primatibus, regem illorum *Sigebertum* ob multitudinem suorum iniquorum factorum regno exterminavit, et loco ejus regnavit; unam tamen provinciam quæ *Hamptunscire* dicitur eidem concessit; quam, tam diu tenuit, quoadusque Ducem *Cumbrorum* qui cæteris diutius secum manserat injuste peremisset.—(Flor. Wigorn.)

[*Kennewulf*, a descendant of the line of King *Cerdic*, with the aid of the *West Saxon* nobles, drove from his kingdom their King, *Sigebert*, on account of the many evil deeds he had done, and himself reigned in his stead; but granted him one province, which is called *Hampshire*, and this Kingdom he held until the time that he unjustly did to death the Ealdorman *Cumbra*, who had remained faithful to him longer than the others. (Florence of Worcester.)]

Post decursum unius anni ex quo *Sigebyrht* regnare cœperat Part II.
 ejus regni invadens *Cynwulf* abstraxit ab eo et sapientes totius WESSEX.
 partis occidentalis, traxit cum eo facietenus propter inconditos SIGEBERHT.
 actus supradicti regis, nec illi derelicta pars potestatis, nisi
 provincia una quæ *Hamptunscire* nuncupatur.—(Ethelwerd, ii. 17.)

[After the lapse of one year from the beginning of *Sigebert's* reign, *Cynwulf* invaded his Kingdom and deprived him of it and openly drew with him the Witan of the whole of the Western country, on account of the unlawful conduct of the above-mentioned King, nor was any part of his possessions left to him, save one province, which is called *Hampshire*. (Ethelwerd's Chronicle, ii. 17.)]

Arripuit regnum *Sigebertus*, vir apud suos sævitia immanis, idemque foris ignavia perinfamis; quocirca omnium odio conspirante, post annum solio deturbatus, meliori locum fecit; sed ut fere in talibus fit, cum magnitudine calamitatis aliquos ad gratiam sui revocasset, eorum virtute provincia quæ *Hamptunshire* dicitur in obsequio detenta.—(Will. Malm. de Gest. Regum, i. 2.)

[*Sigebert* seized the Kingdom, a monster of cruelty among his own subjects and of very evil reputation for cowardice abroad. Wherefore when a universal detestation conspired against him, he was deposed from the throne after a reign of one year and made way for a better man. But as almost always happens in such cases, after having won some men over to think kindly of him through the magnitude of his downfall, through their good offices the province which is called *Hampshire* was allowed to remain in his power. (William of Malmesbury, Acts of the Kings, i. 2.)]

Sigebertus, regis prædicti cognatus, successit ei, sed brevi tempore regnum tenuit. Namque ex præcessoris sui eventibus tumefactus et insolens, etiam suis intolerabilis fuit. Cum autem omnibus modis male tractaret eos, legesque vel ad commodum suum depravaret, vel pro commodo suo devitaret, *Cumbra*, consul ejus nobilissimus, prece totius populi querimonias eorum, regi fero intimavit. Quem quia regem suaserat, ut lenius populum regeret, et, inhumanitate deposita, Deo et hominibus amabilis appareret, mox impia nece jussit interfici: populoque sævior et intolerabilior tyrannidem augmentavit. *Sigebertus* Rex in principio secundi anni regni sui, cum incorrigibilis superbix et nequitix esset, congregati sunt procures et populus totius regni, et provida deliberatione et unanimi consensu omnium expulsus est a regno. *Kinewlf* vero juvenis egregius de regia stirpe oriundus, electus est in regem. *Sigebertus* vero rex fugatus a suis,

Part II. 754} nobles, the Ealdorman *Cumbra*^a, adhered to him in
 WESSEX. 755} his misfortunes, when he was abandoned by every
 one else, and this faithful follower was slain by the
 CYNEWULF. cruel King. CYNEWULF, and the men of Wessex,

non minora meritis metuens, in sylvam magnam, quæ vocatur *Andredeswald*, fugiens se abscondit, ubi quidam porcarius *Cumbrae* consulis, nequiter, ut diximus, interfecti, regem absconsum invenit, inventum cognovit, cognitum domini sui vindex occidit. —(Hen. Hunt.)

[*Sigebert*, a kinsman of the above-mentioned King, succeeded him, but held the kingdom only for a short time. For puffed-up and swollen with pride in consequence of the exploits of his predecessor, he was unbearable even to his own subjects. When however he began to treat them evilly in all manner of ways and either perverted the laws to his own advantage or else ignored them for his own advantage, *Cumbra*, one of the noblest of his Ealdormen, in response to the prayers of the whole people, made known their complaints to the savage King. But because he had advised the King to rule the people more gently and to lay aside his cruel nature and shew a more amiable spirit to God and man, the King presently in his wickedness ordered him to be put to death; and thereafter by becoming more cruel to the people and more intolerable, he greatly increased the tyranny of his rule. When King *Sigebert* at the beginning of the second year of his reign was incorrigible in his overbearing conduct and wickedness, the nobles and the people of the whole Kingdom assembled and after due deliberation and by unanimous consent, drove him from the kingdom. Then *Kinewulf*, a distinguished young man and a scion of the royal house, was elected King. But King *Sigebert*, banished by his subjects and in terror of meeting with his deserts, fled to a certain large forest, which is called *Andredweald*, and hid himself there; but when a certain swineherd of the Ealdorman *Cumbra*, who, as has been stated above, was foully done to death, found the King in hiding, he recognized him and on so doing killed him to avenge his lord. (Henry of Huntingdon.)]

It cannot fail to be observed, that according to one set of narratives, *Sigeberht* was expelled by *Cynewulf*, with the help of the party whom the latter had raised; but that, according to the other, his deposition was the result of a formal judgment.

^a In a Charter granted by "*Cudredus*," Rex West Saxonæ, to the Abbey of Glastonbury, A.D. 745, this very *Cumbra* signs among the nobles by the title of "Præfectus Regis." (Mon. I. 42.)¹

then attacked *SIGEBERHT* again, and he fled to **Part II.** the forest of Andred where he lurked, and concealed **WESSEX.** himself in the wilds. There he was recognized by **CYNEWULF.** a swineherd, the servant of *Cumbra*, who revenged his master by stabbing his murderer with a spear, at the place which is called "Pryfetes flodan."

766 About this time **CYNEWULF** was engaged in warfare with the "gens Cornubiæ^a." The Chronicle notices many "hard battles with the Britwealas," without any dates or particulars.

775 Battle between **CYNEWULF** and **OFFA**, King of Mercia, at *Bynsentun*, or *Bensington*: the latter is victorious, and gains the town, which therefore seems to have belonged to *Wessex*.

785) *Cyneheard*, the brother of *Sigeberht*, the deposed
786) King of *Wessex*, did not follow his brother, but remained in possession of the rank of an Atheling, and probably with a dependant principality. About this time he excited the jealousy of **CYNEWULF**, who tried to expel him, but as it seems without success, and he, in return, caused Cynewulf to be slain^b. Cynewulf reigned 31 years, and his corpse

^a As appears from a charter dated A.D. 766, by which "*Cynewulfus, Occidentalium Saxonum Rex*" [*Cynewulf*, King of the West Saxons] grants certain lands to the Church of Wells, "pro expiatione delictorum meorum, nec non, quod verbo dolendum est, pro aliqua vexatione inimicorum nostrorum *Cornubiorum* gentis, cum consensu episcoporum et satraparum meorum" [with the consent of my bishops and vassal-kings, in expiation of my sins and also, I am sorry to say, in consideration of certain harsh treatment of our enemies, the people of *Cornwall*.] (Mon. II. 285.)¹

^b The history of Cynewulf's death affords a very curious picture of Anglo-Saxon manners, and Anglo-Saxon feeling.—It chanced to come to the knowledge of the Atheling, that Cynewulf, accompanied by a very few attendants, was dallying in the bower of his lady, at Merton, and he immediately collected his party, and there beset him. When they arrived at Merton, all those within the dwelling were asleep, and the Atheling and his men surrounded the bower before any of the

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WESSEX.

lies at Winchester, and the Atheling's at Axminster
—both were of the royal line of Cerdic.

BEORHTRIC.

786 Cynewulf was succeeded by BEORHTRIC, also of the
royal line of Cerdic.—*Egbert*^a, the son of *EALH-*
MUND, or *ALCHMUND*, King of Kent, had, or

King's men were aware of them. But the King, discovering the presence of his enemies, leaped from his couch, and grasping his sword, he opened the door of the chamber and withstood his assailants most bravely. Seeing the Atheling, the King rushed upon him and wounded him grievously, whereupon they all attacked the King, and slew him. When, from the outcry of the woman, the King's Thanes became aware of the tumult, they hastened to the spot, and there they found the King dead—him whom they had so lately left alive—and drawing their weapons, they pressed to attack his murderers. Cyneheard spoke them fair—offered them land and fee if they would turn to him, but in vain—not one of them would hearken, and they fought on until all were slain, except a British hostage, and he was sorely wounded. On the following morning, when the King's Thanes who had remained behind, heard that the King was slain, they all rode to Merton, under Osric, his Ealdorman, and dear friend, and Wigferth, his Thane, and they encountered the Atheling in the Burgh, where the King was lying dead. But they found the gates locked against them, and Cyneheard spoke them fair, and offered them land and fee if they would grant him the Kingdom. Their own kith and kin were with him, he added, who would not leave him, but were ready to die with him, and they answered that no kith and kin could be more dear to them than their own liege lord, and never would they follow his murderer. And addressing their own kith and kin who were of the part of Cyneheard, they prayed them to leave him without harm to themselves, whilst yet they might. And they answered, one and all, That which you offer unto us, we offered unto your companions, who were slain with the King. But as they would not listen to our request, even so must we turn a deaf ear to yours. When they who were without heard these words, they attacked the gates, and brake them down, and they entered and slew the Atheling and all who were with him, eighty-four in number, except one, who was the Ealdorman's godson, and he escaped with his life, though he was grievously wounded¹.

^a The early adventures of *Egbert* are found only in Malmesbury.

claimed, a better title to the throne, and **Part II.**
BEORHTRIC having made attempts upon his life, **WESSEX.**
Egbert fled to the dominions of **OFFA**, where he **BEORHTRIC.**
 found protection and refuge.

786 **BEORHTRIC** succeeds as above-mentioned, and reigns 16 years.

787 **BEORHTRIC** married to *Eadburgha*, daughter of **OFFA**. The Northmen land at Dorchester^a.

799 } **BEORHTRIC**, and *Worr* the Ealdorman, poisoned by
 800 } *Eadburgha*.

802 **EGBERT**, who had fled, returns from Gaul, and suc- **EGBERT.**
 ceeds to the throne^b. A peace concluded between **CENWULF** of Mercia and **EGBERT**.

Upon the accession of *Egbert* he is said to have given the name of "England" to his kingdom,—
 "A.D. DCCC, Egbertus Rex totius Britanniae in Parlamento apud Wintoniam, mutavit nomen regni de consensu populi sui, et jussit illud de caetero vocari Angliam." (*Historia foundationis hosp. S. Leonardi, Mon. VI. 608.*) [A.D. 800, *Egbert*, King of the whole of Britain in the Parliament at Winchester, changed the name of the

^a It is possible, that during the short reign of *Ecgrith*, the son of *Offa*, the King of Wessex became his vassal, as will appear from the following signatures, extracted from one of *Ecgrith's* charters. *Athelmund* is probably the King or Duke of *Hwiccas*, or the Marches. *Brorda* was styled "Princeps Merciorum."—(See Mercia and *Hwiccas*.) Ego **ECGFRIDUS**, Deo donante Rex *Merciorum*, *ÆTHELMUNDO* meo fideli principe hanc terram, &c. concedo, &c. **ECGFRIDUS**, Rex *Merciorum*. **BERHTRIC**, Rex *Occidentalium Saxonum*. *Æthelheard*, Archiepiscopus. *Heathored*, Episcopus. *Eadwulf*, Electus. *Forthred*, Abbas. *Brorda*. *ÆTHELMUND*. *Eadgar*. (*Heming. 108.*)¹

[I *Ecgrid*, by the gift of God King of the *Mercians*, to *ÆTHELMUND*, my faithful Duke, grant the land, etc. **ECGFRITH**, King of the *Mercians*, **BEORHTRIC**, King of the West Saxons, *Æthelheard*, Archbishop, *Heathured*, Bishop, *Eadwulf*, Bishop-Designate, *Forthred*, Abbot, *Brorda*, *ÆTHELMUND*, *Eadgar*. (*Heming's Chartulary, 108.*)]

^b This fact appears from the curious notice of the event in the date of a charter. (*Heming. 41.*)²

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WESSEX.
EGBERT.

Kingdom with the consent of his people and ordered that it should henceforth be called Anglia. (History of the founding of the Hospital of St. Leonard, Mon. VI. 608.)]

809 EGBERT began his warfare against the Britons, and first directing his attack upon the tribes in the western peninsula, he rendered them tributary to his kingdom; but not without difficulty, as the slaughter is stated to have been very great on both sides. He next (810) obtained the supremacy over the Britons dwelling to the north of the river and estuary of the Severn, and rendered them his tributaries.

Egbertus, cum clementia et mansuetudine sub-
jectorum amorem redimisset, prima virium docu-
menta in *Brittannos*, qui eam insulæ partem
inhabitant, quæ *Cornugalliæ* dicitur, dedit: quibus
subjugatis, *aquilonares Brittannos*, qui a prædictis
brachio maris dividuntur, tributarios fecit.

(Will. Malm. de Gestis Regum, ii. 1.)

[*Egbert*, when he had won the love of his subjects through his clemency and gentleness, gave the first proofs of his power to those *Britons* who inhabit that part of the island which is called *Cornwall*; and after subduing them, he made tributary those *Britons* which dwelt further to the *North* and who are separated from those already mentioned by an arm of the sea. (William of Malmesbury, Acts of the Kings, ii. 1.)]

809 *Egbertus*, Rex Occidentalium Saxonum, ad illam regionem quæ *Cornubia* dicitur hostiliter accedens subjugavit eam sibi, et suo adjecit regno, multis hinc et inde interfectis.

810 Eodem tempore Rex *Egbertus aquilonares Brittannos* subjugavit et tributarios fecit.

(Flores Hist.)

[809 *Egbert*, King of the West Saxons, came with an army to that region which is called *Cornwall*, making it subject to him and adding it to his Kingdom, after many had been killed on both sides.

810 At the same time *Egbert* subdued the *Northern Britons* and made them tributary. (Flowers of the Histories.)]

- 811 After reducing the principalities of the Northern **Part II.**
 Britons (i.e. South Wales), Egbert invaded the rest **WESSEX.**
 of the country, which he plundered and spoiled. **EGBERT.**

811 Rex *Egbertus* sicut anno præterito *aquilonares Wallenses* compulerat ad solvendum tributum, ita et hoc anno omnes fines pervagando penetrans, ab aquilone usque ad meridiem igne accumulato spoliavit, et sic ad propria remeavit.

(Flores Hist.)

[811 Just as in the previous year King *Egbert* had forced the *Northern Britons* (the inhabitants of *South Wales*) to pay tribute, so also in this year he invaded and overran all their country from the north to the south and spoiled it by repeated burnings; and so returned to his own. (Flowers of the Histories.)]

- 813) The wars between **EGBERT** and the Britons were
 814) renewed, and he "herried" West Wales from one extremity to another.

- 823 Battle between the "Weala" and the "Dena," at "Gafulforda." The King of the East Angles solicits assistance against *BEORNWULF*, King of Mercia, and they seek **EGBERT'S** protection. Great battle at *Ellendune*, in which **EGBERT** gains the victory, but with great loss, and in which *HUN*, the Ealdorman of *Somerset*, is slain. **EGBERT** sends his son *ETHELWULF* into Kent, together with *Alstan*, Bishop of Sherborne, and *WULFHEARD*, his Ealdorman. *BALDRED*, King of Kent, is driven across the Thames. The *Cantware*, the *South Saxons*, *Surrey* and *Essex* submit to **Egbert**, who appoints his son *ETHELWULF* to be King of Kent; but of which Kingdom **Egbert** retains the supremacy.

823 *Egbertus*, filium suum *Æthelulfum*, et *Alhstanum* Scireburnensem episcopum, suumque ducem *Wulfhardum* cum magno exercitu *Cantiam* direxit, qui...Regem ejusdem provinciæ *Baldredum* regno expulerunt. Post hæc *Cantuarienses*, *Suth-regienses*, *Austuales Saxones*, *Orientalis Angli*, sponte se Regi dederunt *Egberto*, ex cujus propinquorum manibus prius extorti, extraneorum regum ditioni per aliquot annorum curricula, inviti sunt subacti.

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Orientalis Angli simul cum suo Regi legatarios miserunt ad Regem *Egbertum*, supplicantes ut patronus illis et fortis esset murus contra infestationem et impetum *Mercensium*. Qui petitioni illorum acquievit, et se libenter eos adiuturum in omnibus spopondit. (Flor. Wigorn.—see also Will. Malm. ii. 1, as quoted below, pp. 349, 350.)

[823 *Egbert* sent his son *Athelulf* and *Ealhstan*, Bishop of Sherborne, and his Ealdorman *Wulfheard* with a large army to *Kent* and they drove *Baldred* the King of that province from his dominions. After this had taken place the men of *Kent* and *Surrey* and the *South Saxons* and *East Anglians* of their own free will submitted to *Egbert*; they had previously been forced away from the dominion of his kindred, and subjected unwillingly for the round of some years to the sway of foreign Kings. The *East Anglians* with their King sent an embassy to King *Egbert*, begging him to become their protector and strong wall against the inroads and attacks of the *Mercians*. He lent a willing ear to their petition and promised that he would help them gladly in every way. (Florence of Worcester; see also William of Malmesbury, ii. 1, as quoted below, pp. 349, 350.)]

Rex *Orientalium Anglorum*, cum prudentioribus sui principatus, visitat *Egbyrht* Regem, causa pacis et protectionis, propter metum *Merciorum*.

(Ethelwerd, iii. 2.)

[The King of the *East Anglians* together with the wise men of his Kingdom visits King *Egbert* to ask for peace and protection because they feared the *Mercians*. (Ethelwerd's Chronicle, iii. 2.)]

And in the same year the King of the *East Angles* and the people repaired to King *Egbert* "to friþe and to *mundboran*" (Sax. Chron.) [for peace and as a protector (AS. Chronicle)].

827 *Egbertus* Rex *Occidentalium Saxonum*, misit *Ethelulfum* filium suum cum *Ethelstano Scireburnensi* episcopo, et consule *Wyhardo* in Canciam, cum multitudine gravi pugnatorum, qui regem *Baldredum* ultra flumen *Thamesim* fugantes, regnum *Canciae*, cum *Suthsexia*, *Egberto* regi subdiderunt. Hoc etiam anno *Orientalis Angli*, regem *Egbertum*

in patronum et dominum susceperunt. *Egbertus* Part II.
denique unus ex octo regibus fuit, qui totam insulam WESSEX.
hanc, ab *Humbro* flumine, ad australem plagam EGBERT.
usque ad *mare Gallicum* subjugatam possedit.

(Flores Hist.)

[827 *Egbert*, the King of the *West Saxons*, sent his son *Ethelulf* with *Ethelstan*, the Bishop of *Sherborne*, and his Ealdorman *Wyhard* to Kent with a strong body of fighting men; and they, driving the King *Baldred* beyond the river *Thames*, made the Kingdom of *Kent* together with that of the *South Saxons* subject to King *Egbert*. In this year also the *East Anglians* acknowledged King *Egbert* as their protector and Lord. Eventually *Egbert* was one of the eight Kings who subjugated and took possession of the whole of this island from the river *Humber* to the southern shore as far as the *English Channel*. (Flowers of the Histories.)]

Egbert.

827 } *Egbert* conquers WIGLAF, King of Mercia, and sub-
828 } dues all England south of the Humber. The same
year he leads his army against the Northumbrians,
who submit to him at Dore. *Egbert* is acknow-
ledged as the eighth *Bretwalda*, or Emperor of
Britain.

827 Rex Occidentalium Saxonum *Ecgbertus*,
expulso regno *Wiglafo*, Regnum Merciorum suo
subjecit imperio. Deinde suam movit expedi-
tionem ultra *Humbræ* flumen. Cui *Northimbrenses*,
in loco qui *Dore* vocatur, occurrentes pacifice, ei
concordiam humilemque subjectionem obtulere, et
sic ab invicem divisi sunt magna mentis alacritate.
Hic idem Rex *Ecgbertus*, octavus quidem in regibus
gentis *Anglorum*, cunctis australibus eorum pro-
vinciis, et quæ *Humbræ* fluvio e contiguis ei
terminis sequestrantur a borealibus, imperavit.
Nam primus imperium hujusmodi *Ælle*, Rex
Australium Saxonum, &c. (See Bede, ii. 5.)
Octavus, ut diximus, extitit Rex *Ecgbertus*.

(Flor. Wigorn.)

[827 *Egbert*, the King of the *West Saxons*, after having driven *Wiglaf* from his dominions, made the kingdom of the Mercians subject to his rule. He further moved his forces across the river *Humber*, and the people of *Northumbria*

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meeting him with peaceful intentions, at a place called *Dore*, offered him their friendship and humble submission, and so both separated with great cheerfulness. This same King *Egbert* was in fact the eighth of all the Kings of the *English* nation that ruled over all their Southern provinces and those which are cut off from the Northern provinces by the River *Humber* and by boundaries that are contiguous to it. For *Ælle*, the King of the South Saxons, was the first to hold so extensive an authority, etc. (See Bede, ii. 5.) King *Egbert*, as we have said above, was the eighth. (Florence of Worcester.)]

828 } *Egbert* leads his army against *SWITHRED*, King of
 829 } *Essex*, and expels him from his kingdom—attacks
 830 } the *North Wealas* (i.e. the Britons north of the
 Severn), and reduces them to subjection—restores
 the kingdom of *Mercia* to *WIGLAF*, to be held
 under him in tributary subjection.

828 *Egbertus*, Rex *West-Saxonum*, in terram
 septentrionalium *Britonum* exercitum duxit, et
 eos, licet invitos, suo dominio subjugavit. Rex
Wiglafus regnum *Merciorum* recepit.

(Flor. Wigorn.)

[828 *Egbert*, King of the *West Saxons*, led an army into the country of the Northern *Britons* and forced them to submit to his lordship even against their will. King *Wiglaf* received the Kingdom of the *Mercians*. (Florence of Worcester.)]

828 *Ludicano*, rege *Merciorum*, à rege *Egberto*
 interfecto, *Wilafus* successit ei in regnum. Qui
 continuò à rege *Egberto* expulsus, annis tribus
 exulavit. Quo etiam tempore, idem *Egbertus*,
Swithredum regem *Orientalium Saxonum*, debel-
 lavit, et à regno fugavit. *Swithredo* quoque fugato,
 regnum illud reges *Westsaxonum* tenuerunt.

(Flores Hist.)

[828 When *Ludican*, King of the *Mercians*, had been put to death by King *Egbert*, *Wiglaf* succeeded him on the throne; and he, when he had been forthwith driven out by King *Egbert*, was in exile for three years. At that time also, this same *Egbert* conquered *Swithred*, King of the *East Saxons*, and drove him from his Kingdom. And after the flight of *Swithred* the Kings of the *West Saxons* ruled that Kingdom. (Flowers of the Histories.)]

Rex *Egbertus*, motus pietate, *Wiglafo* Regi **Part II.**
Merciorum, *Merciam* concessit teneri sub se. **WESSEX.**
 (Mailros.) **EGBERT.**

[King *Egbert*, prompted by a feeling of good-will, granted *Mercia* to *Wiglaf*, King of the *Mercians*, to be held under his own suzerainty. (Chronicle of Melrose.)]

828 *Egbertus*, Rex Occidentalium Saxonum, motus pietate concessit Regnum *Merciae* *Wiglafio*, quem bello conquisierat. Item, *Northwallenses* eodem anno subjugat.

(Chron. Johannis Abb. S. Petri de Burgo.)

[828 *Egbert*, King of the West Saxons, prompted by a feeling of goodwill, granted the kingdom of *Mercia* to *Wiglaf*, whom he had conquered in war. In the same year he also subjugated the people of *North Wales*. (Chronicle of John, Abbot of Peterborough.)]

Fervente adhuc victoria, *Ethelwulphum* filium cum *Alstano* Episcopo *Shireburnice*, et electa manu in *Cantiam* misit, qui provinciam, seu longo sopitam otio, seu virtutum suarum exanimatam nuncio dominatui *Westsaxonico* adjicerent. Missi efficaciter imperatis institerunt, regionemque, quaque versum finibus suis, cingitur, pervagati, minimoque labore *Ballredo* rege ultra *Tamensem* fluvium expulso, *Cantiam*, *Southeriam*, *Australes* et *Orientales Saxones*, qui quondam ad antecessorum suorum jus pertinebant, suæ parti subdidere, anno regni ejus vigesimo quarto. Nec multo post *Orientales Angli* auxilio *Egbirthi* animati, Reges *Merciorum*, *Bernulphum* et *Ludecanum* continuatis exceptis insidiis, trucidarunt. Causa cedis fuit, quod ipsi solita contumacia fines externos inquietarent. Eorum successor *Withlafius*, primo ab *Egbirthi* regno fugatus, mox in fidem tributariam acceptus, principatum *Westsaxonum* ampliavit. Eodem anno *Northumbri*, qui se solos remansisse, et omnium digito notari cernerent, timentes ne diu conceptam iram in ipsos effunderet, tandem, vel sero, datis obsidibus faverunt deditioni.

(Will. Malm. De Gestis Regum, ii. 1.)

[While his victory was still recent, he sent *Ethelwulf*, his son,

Part II.
WESSEX.
EGBERT.

with *Ealhstan*, Bishop of *Sherborne*, and a picked body of men to *Kent*, to annex to the *West Saxon* dominions that province, which had either become indolent through a long period of inactivity or terrified by the news of his own exploits. The officers despatched executed his commands effectually and continuing their campaign through all that region, on the side where it is bounded by his own domains, and having succeeded with very little difficulty in driving King *Baldred* beyond the river *Thames*, they made subject to his rule *Kent*, *Surrey*, the *South Saxons* and the *East Saxons*, who in former years were under the jurisdiction of his predecessors. This was done in the 24th year of his reign. Not long afterwards, the *East Anglians*, whose courage was rekindled by the help of *Egbert*, caught by successive stratagems and killed *Bernulph* and *Ludecan*, the Kings of the *Mercians*. The reason of this murder was that these Kings with their usual insolence kept harrying the lands of their neighbours. Their successor *Wiglaf*, having been at first driven from his kingdom by *Egbert*, was soon however allowed to retain it as a tributary King, and thus did greatly increase the extent of the rule of the King of the *West Saxons*. In the same year the *Northumbrians* seeing that they only remained and that they were being indicated by everybody as the next victims, in fear lest he should pour forth on them the vials of a long cherished wrath, at last thought it good to offer him a tardy submission by giving him hostages. (William of Malmesbury, Acts of the Kings, ii. 1.)]

829 Cum *Egbertus*, Rex *Occidentalium Saxonum*, omnia *Australia Angliæ* regna obtinuisset, exercitum grandem in *Northumbriam* ducens, provinciam illam gravi depopulatione contrivit regemque *Eandredum* statuit sub tributo.

[829 When *Egbert*, King of the *West Saxons*, had obtained possession of all the Southern Kingdoms of *England*, he led a powerful army into *Northumbria*, wasted that province by the severity of his ravages, and made *Eanred* the King tributary to him.]

830 Rex *Egbertus* potentissimus, exercitum ducens in *Walliam* copiosum, *Wallenses* omnes, cum regibus suis, suæ ditioni spontanea voluntate subjecit. Eodem anno, idem Rex *Egbertus*, misericordia motus,

Wilafo regi Merciorum concessit, ut regnum suum de eo teneret sub tributo. (Flores Hist.)

Part II.

WESSEX.

EGBERT.

[830 The most powerful King *Egbert*, led a huge force into *Wales*, and made all the *Welsh*, with their Kings, surrender voluntarily to his rule. In the same year, King *Egbert* likewise, moved by pity, allowed *Wiglaf*, King of the *Mercians*, to retain his kingdom as a tributary King. (Flowers of the Histories.)]

835 Danes land in West Wales, or Cornwall, and are joined by the Britons. *Egbert* defeats their united forces at *Hengist Dune*.

836¹ *Egbert* dies after reigning 37 years and 7 months—his dominions are divided between *ETHELWULF* and *ATHELSTANE*. The first takes *Wessex* proper, the last *Kent*^a, *Essex*, *Sussex* and *Surrey*.

ETHELWULF.

It will be seen from the following passages that *Athelstane* is considered by some authorities, as the son of *Egbert*, and by others as his grandson, the son of *Ethelwulf*. The question is involved in much perplexity. (See *Kent*.)

836 *Egbertus Rex Occidentalium Saxonum obiit . . .cujus post mortem filius suus Æthelwulfus in West-Saxonia regnare cœpit, suumque filium Ethelstanum Cantuariis, East Saxonibus, Suthregiis, et Suth Saxonibus regem præfecit.* (Flor. Wigorn.)

[836 *Egbert*, the King of the *West Saxons*, died . . .and after his death his son *Ethelwulf* began to reign in the Kingdom of the *West Saxons*; and he appointed his son *Ethelstan* as King over the people of *Kent*, the *East Saxons*, the people of *Surrey*, and the *South Saxons*. (Florence of Worcester.)]

836 *Athelwulfus filius Egberti, suscepit Regnum Wessaxonum, et alter frater ejus Athelstanus, Regnum Cantix.* (Mailros.)

[836 *Ethelwulf*, the son of *Egbert*, received the kingdom of the *West Saxons* and his younger brother, *Athelstan*, that of *Kent*. (Chronicle of Melrose.)]

^a Upon his death, this Kingdom reverted to *Ethelwulf*, who took the titles of "*Rex Occidentalium Saxonum necnon et Cantuariorum*," in such charters as concerned the latter people. (See *Kent*.)

Part II.
WESSEX.
EGBERT.

837 Eodem anno Rex *Occidentalium Saxonum*, *Egbertus*, expletis in regno annis triginta septem et mensibus septem ex hoc seculo transiens, apud *Wintoniam* sepulturam accepit. Cui succedens *Æthelulfus* filius ejus, quem quidem *Eadulfum* appellat, viginti annis et quinque mensibus imperavit. Iste *Æthelulfus* de regina sua quatuor filios inclytos generavit, quorum primus dictus est *Eadbaldus*, secundus *Æthelbertus*, tertius *Æthelredus*, quartus *Ælfredus*, qui omnes post patrem per ordinem regnaverunt; Quintum habuit filium nomine *Æthelstanum*, non de matrimonio generatum, cui pater *Æthelwulfus* omnia regna, quæ ejus genitor *Egbertus* potenter acquisierat, contulit, *Occidentalium Saxonum* solummodo ipse contentus regno.
(Flores Hist. p. 155.)

[837 In the same year, Egbert, the King of the West Saxons, having completed 37 years and 7 months on the throne, passed away from this life and received burial at Winchester. His successor was his son, Ethelwulf, who is also called Eadwulf, and he reigned for twenty years and five months. This Eadwulf begat four renowned sons by his queen, the first of whom is called Eadbald, the second Ethelbert, the third Ethelred and the fourth Alfred; all of these reigned in succession after their father. He had a fifth son whose name was *Athelstan*, not born in wedlock. On him, his father *Ethelwulf* bestowed all the Kingdoms which his father *Egbert* had acquired by force, being himself satisfied with the Kingdom of the *West Saxons* only. (Flowers of the Histories, p. 155.)]

Ecgbriktus, Rex magnus et monarcha *Britanniæ* decessit: regnorum, quæ in manu propria tenebat, filios fecit hæredes *Ethelwulfum*, super *Wessex*, *Ethelstanum* vero, super *Kent*, *Sudsex* et *Essex*.
(Hoveden.)

[*Egbert*, the great King and monarch of Britain, died and made his sons heirs to the kingdoms which he held under his own hand, namely *Ethelwulf* to rule *Wessex* and *Ethelstan* to rule *Kent*, *Sussex* and *Essex*. (Roger of Hoveden.)]

ETHELWULF.

852 } ETHELWULF, at the request of Burhred, King of
853 } Mercia, subdues the Britons who dwell between Mercia
and the Western Sea. Burhred marries *Athelswitha*,

855 the daughter of **ETHELWULF**. **ETHELWULF** Part II.
travels to Rome with **ALFRED**, who receives the **WESSEX**.
regal consecration from Pope *Leo*^a. (Asser, p. 7.) **ETHELWULF**.

^a 853. *Burhredus*, Rex *Merciorum*, per nuntios deprecatus est *Ethelwulfum*, Occidentalium *Saxonum* regem, ut ei auxilium conferret, quo, *mediterraneos Britones* qui inter *Merciam* et mare occidentale habitant dominio suo subdere potuisset, qui contra eum immodice reluctabantur. Nec segnius *Ethelwulfus* Rex (legatione ejus accepta) exercitum movens *Britanniam* cum *Burhredo* rege adiit, statimque ut ingreditur, gentem illam devastans, dominio *Burhredi* subdit. (Asser, p. 6. Flor. Wigorn. p. 583.)

[853 *Burhred*, King of the *Mercians*, sent a message to *Ethelwulf*, King of the West *Saxons*, begging him to send him aid so that he might be able to subjugate to his rule, the *midland Britons* who dwell between *Mercia* and the Western sea and who were desperately fighting against him. King *Ethelwulf* was not slow after receiving the embassy, in moving his army and proceeding to *Britain* with King *Burhred*; and immediately on entering it, by his devastation forced that people to accept *Burhred's* rule. (Asser, Life of Alfred, p. 6. Florence of Worcester, p. 583.)]

Igitur post triennium *Burhred* Rex subsidium deprecatus est ab *Athelwulfo* Rege ad subjiciendum aquilonales *Brittannos*; ipseque concessit, et congregato exercitu ejus trans *Merciorum* profectus est regnum, contra *Brittannos*, quos et superatos constituit sub tributo. (Ethelwerd, iii. 3.)

[Therefore after a space of three years King *Burhred* begged King *Ethelwulf* to help him in subjugating the Northern *Britons*. The latter consented and after mustering his army, set out across the Kingdom of the *Mercians* against the *Britons* whom he overcame and made tributary. (Ethelwerd's Chronicle, iii. 3.)]

"This year, *Burhred*, King of *Mercia*, and his Witan, besought " King *Ethelwulf* to assist him, that he might reduce the *North-wealas* to obedience: and he did so, and proceeded with his " forces across *Mercia* against the *Northwealas*, and they all " rendered obedience to him." (Sax. Chron.)

It should seem from the following testimony of the Welsh historian, that the subjection of the Britons was of old standing, for the term of "ancient tribute" could scarcely apply to any tribute imposed during this war:—876 Roderic having divided his principality between his three sons, namely, Aberffraw to

- Part II. 854 } *ETHELBALD*, eldest son of *ETHELWULF*, *EAN-*
 WESSEX. 855 } *WULF*, Ealdorman of *Somerset*, and *Alstan*, Bishop
 of *Sherborne*, conspire against *ETHELWULF*. The
ETHELWULF. kingdom is divided—*ETHELBALD* obtains the
ETHELBALD. Western dominions, or *Wessex* proper, and *ETHEL-*
WULF retains the Eastern dominions, i.e. *Kent*,
 &c. with supremacy over his son.

Omnium astipulatione nobilium, adunatum antea regnum inter patrem et filium dividitur, et Orientales plagæ patri, Occidentales filio, e contrario deputantur. Ubi enim pater justo iudicio regnare debuerat, illic iniquus et pertinax¹ filius regnabat; nam Occidentalis pars *Saxonie* semper Orientali principalior est. (Asser, p. 9.)

[With the assent of all the nobles, the Kingdom which formerly had been united is divided between father and son; the Eastern territory is assigned perversely to the father and the Western territory to the son. For where the father rightly ought to have ruled, there his wicked and obstinate son held the throne; for the Western part of the *Saxon* land is always considered of more importance than the Eastern part. (Asser, Life of Alfred, p. 9.)]

- ETHELBALD.* 856 } *ETHELWULF* dies—*ETHELBERT*, his second son,
 857 } succeeds to *Kent*, *Essex*, *Surrey* and *Sussex*. (See
Kent.) *ETHELBALD* to the supremacy of *Wessex*.
ETHELBERT. 860 *ETHELBALD* dies—*ETHELBERT* succeeds to all
 the Kingdoms which his brother had held. Reigns
 five years.
 865 }
 866 } Death of *ETHELBERT*.

- ETHERED.* 866 *ETHERED*, brother of *Ethelbert*, succeeds to the
 kingdoms of *Wessex* and of *Kent*, with their depen-
 dancies, in preference to *Ethelwald*, son of *Ethelbert*.

- 868 Previously to this time *ALFRED* appears to have
 borne the title of King, and to have exercised certain

Anarawd, *Dinefawr* to *Cadelh*, and *Powys* to *Merfyn*, ordained that his eldest son, *Anarawd*, and his successors, should continue the payment of the *ancient* tribute to the Crown of England; and the other two, their heirs and successors, should acknowledge his sovereignty. (Wynne's *Caradoc*, p. 35.)

powers of government, though in subordination to **Part II.**
his brothers. **WESSEX.**

- 871 **Battle of Ashdown.** The Danes prevail, and the men **ALFRED.**
of Wessex are compelled to make peace with the
enemy. **ETHERED** dies about Easter, after reign-
ing five years. **ALFRED**, who until that time had
held a "secondary authority," succeeds.

Eodem anno *Ælfred* supra memoratus, qui
usque ad id temporis, viventibus fratribus suis
secundarius fuerat, totius regni gubernacula, divino
concedente nutu, cum summa omnium illius regni
accolarum voluntate, confestim, fratre defuncto,
suscepit. (Asser, p. 24.)

[In the same year the afore-mentioned *Alfred*, who up to this
time had held a secondary place while his brothers were alive,
immediately on the death of his brother assumed the government
of the whole Kingdom, by divine permission and with the
utmost goodwill of all the people of his Kingdom. (Asser,
Life of Alfred, p. 24.)]

- 876 Danes, defeated by **ALFRED**, engage to evacuate
Wessex, but break their engagement.

- 877 Danes occupying *Exeter*, enter into a truce with
ALFRED, which they violate.

- 878 About this time almost all Wessex was occupied by the
Danes. **ALFRED**, driven into the wilds of *Somerset-*
shire, raises his forces—defeats the Danes at *Ethan-*
dune—they agree to quit his kingdom—*GORM*, or
GUTHRUN, baptized.

- 880) The Danes under *GUTHRUN* quit *Cirencester*, and
883) return to *East Anglia*: they settle themselves in
the land, and divide it.—A treaty concluded with
ALFRED confirmed them in their possessions; it
defined the boundaries of the English and Danish
territories—from "our border" near the Thames to
the *Lea*—along the *Lea* to its source—thence to
Bedford, and then along the *Ouse* to *Watling* street.
This large district, which included the whole of
East Anglia, and some parts of *Essex* and *Mercia*,
became the kingdom of *GUTHRUN*.

Part II. 883 *GUTHRED* appointed King of Northumbria by the
 WESSEX. assistance of *ALFRED*.

Alfred. 886 *Mercia* is governed by *ETHELRED* as Ealdorman, in subordination to *Alfred*. All England, except that part which was kept under by the Danes, turns to *Alfred*: the British Kings having also become his vassals.

Illo enim tempore, et multo ante, omnes regiones dexteralis *Britanniæ* partis ad *Ælfred* regem pertinebant, et adhuc pertinent: *Hemeid* scilicet, cum omnibus habitatoribus *Demeticæ* regionis, sex filiorum *Rotri* vi compulsus, regali se subdiderat imperio. *Howil* quoque filius *Ris*, Rex *Gleguising*, et *Brochmail*, atque *Fermail* filii *Mouric*, reges *Gwent*, vi et tyrannide *Eadred* comitis et *Merciorum* compulsi, suapte eundem expetivere regem, ut dominium et defensionem ab eo pro inimicis suis haberent. *Helised* quoque filius *Teudyr*, Rex *Brechoniæ*, eorundem filiorum *Rotri* vi coactus, dominium regis præfati suapte requisivit. *Anaraut* quoque filius *Rotri*, cum suis fratribus ad postremum amicitiam *Northanhymbrorum* deserens, de qua nullum bonum nisi damnum habuerat, amicitiam regis studiose requirens ad præsentiam illius advenit; cumque a rege honorifice receptus esset, et ad manum Episcopi in filium confirmationis acceptus, maximisque donis ditatus, regis dominio cum omnibus suis eadem conditione subdidit, ut in omnibus regiæ voluntati sic obediens esset, sicut *Æthered* cum *Merciis*. (Asser, p. 50.)

[For at that time and long before, all the districts on the eastern side of *Britain* belonged to King *Alfred* and still belong to him; for *Hemeid* with all those that dwell in the district of *Demetia*, driven by the oppression of the six sons of *Rhodri*, had placed themselves under King *Alfred's* rule. *Howel* also, the son of *Rhys*, King of *Gleywysig*, and *Brochmael* and *Fermael*, sons of *Meurug*, Kings of *Gwent*, driven by the violence and tyranny of Earl *Eadred* and the *Mercians*, voluntarily petitioned this same King that they might have lordship and protection from him against their enemies. *Helised* also, the son of *Tudor*, King of *Brecon*, when oppressed by the violence of these same sons of

Rhodri, voluntarily begged for the lordship of the above-mentioned **Part II.** King. *Anarawd* also, the son of *Rhodri*, when he together with **WESSEX.** his brothers finally broke off friendship with the *Northumbrians*, **Alfred.** from which he had received no benefit but rather had suffered loss, came and presented himself to this King and zealously sought his friendship. And after an honourable reception at the King's hands and his admission as a son of confirmation at the hands of the Bishop and after he had been loaded with valuable gifts, he placed himself under the lordship of the King, with all his subjects, on the condition that he should be obedient to the will of the King in all matters, just as were *Æthered* and the *Mercians*. (Asser, Life of Alfred, p. 50.)]

893 } Death of *GUTHRED*—**Alfred** retains the direct
894 } government of *Northumbria*.

901—Oct. 28th.—**Alfred** dies, after reigning 29 years and a half^a.

901 **Edward**, son of Alfred, succeeds, having been selected **Edward the Elder.** or chosen by the great men of the kingdom, and is crowned at Whitsuntide. *Ethelwald*, son of *Ethelbald*, attempted to contest the succession, or at least to possess himself of part of the country, "without leave of the King or of his Witan," but being defeated, he fled to the host in *Northumbria*, who receive him as a king.

Successor equidem tum Monarchiæ *Eadwardus* post, filius supra memorati regis; coronatur ipse stemmate regali, a primatis electus, Pentecostes in die, jam defluente siquidem annorum numero centeno, ex quo proavus continebat *Ecgbyrht* præsentia ejus regna. Factusque videtur numerus annorum ab adventu Christi humana sumpta carne nongentesimus pleniter ordo. (*Ethelwerd*, iv. 4.)

. ^a The different dates assigned to the death of Alfred afford a singular proof of the uncertainty arising from various modes of computation. The Saxon Chronicle and Florence of Worcester agree in placing the event in 901. The first "six nights before All Saints," the last, with more precision, "Indictione quarta, et Feria quarta, 5 Cal. Nov." Simeon of Durham in 899, and the Saxon Chronicle, in another passage, in 900. The concurrents of Florence of Worcester seem to afford the greatest certainty, and the date of 901 has therefore been preferred.

Part II.

WESSEX.

Edward
the Elder.

[Thereafter the successor to the throne was *Edward* the son of the above-mentioned King. And he, after election by the leading men of the Kingdom, was crowned with the royal diadem¹ on Whitsunday, one hundred years after his great grandfather *Egbert* held the present realm. The number of the years reckoned from the advent of Christ, when he took upon him human flesh, became, as it appears, fully the ninth hundred in succession. (*Ethelwerd's Chronicle*, iv. 4.)]

904 *Essex* submits to *Ethelwald*.

905 *East Anglia* follows the example of *Essex*.

906 } Peace concluded between *Edward* and the *East Angles*,
907 } and the Northumbrian Danes. (*Sim. Dunelm.*)

910 } Danes break the truce—*Edward* causes the Host of
911 } *Wessex* and of *Mercia* to march against them.

912 On the death of *ETHELRED*, Ealdorman of *Mercia*,
Edward retains Oxford and London, with the
territories belonging thereto. (See *Mercia*.)

915 Part of *Essex* submits to *Edward*.

918 } Earl *THURKYTEL*, and the Holdas of *Bedford* and
919 } *Nottingham*, submit to *Edward*.

920 } *ETHELFLEDA* dies—*Edward* assumes the govern-
921 } ment of *Mercia*.

Earl *THURFERTH* and the Danes of Northampton,
&c. submit to *Edward*, and take him as their Lord
and Protector.

East Anglia and *Essex* submit to *Edward*, and the
Danes of *East Anglia* do homage to him.

The King of the *Scots*, and all the *Scots*, submit to
Edward, and choose him as their Lord. The King
of the Britons of *Strathclyde* submits to him, to-
gether with *REGINALD*^a, and *EALDRED*, son
of *EADULF*, of *Bamborough*, and all the North-
umbrians—Danes, Northmen, and English.

Anno Dominicæ incarnationis nongentesimo
primo, regnum obtinuit *Edwardus*, filius *Alfredi*,
et tenuit viginti tribus annis; literarum scientia

^a A King of Northumbria. This Reginald is afterwards
found amongst the members of the Witenagemot of Athelstane.

multum inferior patre, sed regni potestate incom- **Part II.**
 parabiliter gloriosior. Siquidem ille duo regna **WESSEX.**
Merciorum, et *West Saxonum* conjunxerat, *Mer-* **Edward**
ciorum nomine tenus, quippe commendatum duci **the Elder.**
Ethelredo tenens. Iste primum mortuo *Ethelredo*,
Mercios omnifariam, mox *Occidentales* et *Orientales*
Anglos et *Northanimbros*, qui cum *Danis* jam in
 unam gentem coaluerant, et *Scottos*, qui aquilonalem
 insulæ partem inhabitant; *Brittones* omnes, quos
 nos *Wallenses* dicimus, bellis profligatos, suæ
 ditioni subegit, nec unquam in aliqua pugna
 humiliorem manum habuit.

(Will. Malm. de Gestis Regum, ii. 5.)

[In the nine hundred and first year of the Incarnation of our Lord, *Edward* the son of *Alfred*, ascended the throne and held it for twenty-three years. He was far inferior to his father in scholarship, but in the might of his rule attained to far greater glory. For he indeed had united the two Kingdoms of the *Mercians* and the *West Saxons*, but he ruled over that of the *Mercians* in name only, holding it in fact entrusted to Duke *Ethelred*. He, for the first time after the death of *Ethelred*, made the *Mercians* in every way subject to his sway, and soon after that the *West* and *East Anglians* and the *Northumbrians*, who had united into one nation with the *Danes*, and the *Scots*, who inhabited the northern part of the island, and all the *Britons*, whom we call *Welsh*. All these nations he had overcome in war, nor did he in any battle fail to gain the upper hand. (William of Malmesbury, Acts of the Kings, ii. 5.)]

Rex *Edwardus* vir mansuetus et pius,* omnibus affabilis et amabilis, adeo omnium in se provocabat affectum, ut *Scotti*, *Cumbri*, *Walenses*, *Northumbri*, et qui remanserunt *Daci*, eum, non tam in dominum et regem, quam in patrem, cum omni devotione eligerent.

(Ethel. Rievall. de Gen. Regum, p. 356.)

[King *Edward*, a man of a gentle and pious disposition, affable and amiable to all men, drew the affection of all men to him to such an extent that the *Scots*, *Cumbrians*, *Welsh* and *Northumbrians*, and the *Danes* who remained, elected him with every feeling of devotion not only to be their lord and King but to be their father. (Ailred of Rievaulx, Genealogy of the Kings, p. 356.)]

Part II.
WESSEX.

Edward
the Elder.

Edwardus cognomento senior, Scottorum, Cumbrorum, Stregleduualorum omnesque Occidentalium Brittonum reges, in deditionem accepit.

(Sim. Dunelm. de Gestis.)

[*Edward*, known as the Elder, received the allegiance of the Kings of the *Scots*, *Cumbrians*, the *Britons* of *Strathclyde* and all the Kings of the *Western Britons*. (Simeon of Durham.)]

921 Rex *Scottorum* cum tota gente sua, et *Reinaldus*, Rex *Danorum Northumbriam* incolentium, et Rex *Sihtricus* *Edwardo* regi fecerunt hominium. (Mailros.)

[921 The King of the *Scots*, with all his subjects, and *Reinald*, King of the *Danes* who dwelt in *Northumbria*, and also the King *Sihtric* did homage to King *Edward*. (Chronicle of Melrose.)]

921 Rex *Scottorum* cum tota gente sua, et *Regnaldus*, Rex *Danorum*, cum *Anglis* et *Danis Northymbriam* incolentibus, Rex etiam *Streathgledwallorum*, cum suis, Regem *Eadwardum* seniore, sibi in patrem et dominum elegerunt, firmumque foedus cum eo pepigerunt.

(Flor. Wigorn. Sim. Dunelm. de Gestis.)

[921 The King of the *Scots* and all his subjects and *Regnald*, King of the *Danes*, with the *English* and *Danes* that dwelt in *Northumbria* and also the King of the *Britons* of *Strathclyde* with his subjects, elected King *Edward* the Elder to be their father and lord and ratified an enduring treaty with him. (Florence of Worcester. Simeon of Durham.)]

921 Rex *Scottorum*, *Reginaldus*, Rex *Northumbrorum* ex natione *Danorum*, et Dux *Galwalensium* ad regem *Edwardum* venientes subjectionem fecerunt, et cum eo foedus firmissimum pepigerunt.

(Flores Hist.)

[921 The King of the *Scots*, *Reginald*, the King of the *Northumbrians* of the nation of the *Danes* and the Duke of the *Welsh* came and did homage to King *Edward* and ratified with him a most binding treaty. (Flowers of the Histories.)]

Processu temporis prius *Mercenses* omnes, et Danos *Merciam* inhabitantes, deinceps tres Reges

Britonum, videlicet, *Howelum*, *Clitwic* et *Juthwal*, **Part II.**
cum suis populis, in sui deditionem obtinuit. **WESSEX.**

(Flor. Wigorn.) Edward the Elder.

[As time went on he received under his sway first all the *Mercians* and the Danes who inhabit *Mercia*, and then the three Kings of the *Britons* to wit, *Howel*, *Clitwic* and *Juthwal* with their subjects. (Florence of Worcester.)]

921 Earl *Thurferth*, and the Holdas, and all the Host belonging to Northampton, north as far as the Welland, turned to him, and sought him as their Lord and *Mundbora*.... And much people turned to him both of the *East Angles* and of the *East Saxons*, who were before under the power of the Danes.... And all the Host that was in the country of the *East Angles* swore union with him, that they would all that he would, and defend all that he would defend, either on sea or on land.... And the Host that belonged to Cambridge chose him specially for their Lord and *Mundbora*, and confirmed the same choice with oaths.... And all the people of *Mercia*, who had before been subjected to *Ethelfleda*, turned to him.—(922) And the Kings of the “North Wealas,” (i.e. Wales north of the Severn), *Howel* and *Cledauc* and *Jeothwel*, and all the “Northweal-cyn,” repaired to him as their lord.—(924) And the King of the Scots chose him as his father and lord, and all the Scots did the like. And *Reginald*, and the sons of *Eadulf*, and all that dwell in the country of the Northumbrians—whether English or Danish, or Northmen, or others.—And the King of the Britons of Strath-Clyde, and all the Britons of Strath-Clyde also.

(AS. Chronicle.)

924 Invictissimus Rex *Anglorum*, *Danorum*, *Cumbrorum*, *Brittonum*, *Edwardus* cognomento senior obiit, cui successit *Athelstanus* filius ejus.

(Mailros.)

[924 The invincible King of the *Angles*, *Danes*, *Cumbrians* and *Britons*, *Edward* surnamed the Elder died, and his son *Athelstan* reigned in his stead. (Chronicle of Melrose.)]

Anno 924, invictissimus Rex *Anglorum* *Eadwardus*

Part II.
WESSEX.

Edward
the Elder.

senior, qui cunctis *Britanniam* incolentibus, *Anglorum*, *Scottorum*, *Cumbrorum*, *Danorum* pariter et *Brittonum* populis gloriosissime præfuit, post multas res egregie gestas, regni sui anno xxiv. in regia villa quæ *Fearn-dun* nominatur, Indictione xv. ex hac vita transiens, *Ethelstano* filio regni gubernacula reliquit. (Sim. Dunelm. de Gestis. Flor. Wigorn.)

[In the year 924, the invincible King of the *Angles*, *Edward the Elder*, after exercising a most glorious suzerainty over all the people that dwell in *Britain*, over the people of the *Angles*, *Scots*, *Cumbrians* and *Danes* as well as over the people of the *Britons*, and after accomplishing many deeds of renown, passed from this life in the twenty-fourth year of his reign in the royal township which is known by the name of *Faringdon*, in the fifteenth Indiction, and left the reins of government to his son *Athelstan*. (Simeon of Durham. Florence of Worcester.)]

Anno 924 Rex *Anglorum Edwardus*, cognomento Senior, qui cunctis *Britanniam* incolentibus, *Anglorum*, *Walanorum*, *Scotorum*, *Cumbrorum*, *Galwalensium*, et *Danorum* populis potenter præfuit, post multas res egregie gestas...diem clausit extremum. (Flores Hist.)

[In the year 924 *Edward*, King of the *Angles*, whose surname was "the Elder," who exercised a powerful rule over all the peoples that dwelt in *Britain*, the *Angles*, the *Britons* of the West, the *Scots*, the *Cumbrians*, the *Welsh* and the *Danes*, after accomplishing many deeds of renown, came to the end of his life. (Flowers of the Histories.)]

922 The Mercians, both Danes and English, submit to Edward.

HOWEL, *CLYDAWC* and *IDWAL*, Kings of the Britons, submit to Edward, and receive him as their Lord, and they are subjected to the jurisdiction of Edward and his Witenagemot.

About this time Edward regains Chester from the rebellious Britons, in which he places a garrison.

The following instrument affords the best testimony of the subjection of the Britons to the supremacy of Edward:—

Insuper autem scitote; quod in uno tempore

fuerant *Edgar* Rex totius *Britanniae*, et *Huwel da* et *Morgan hen*: et isti duo tamen erant subjecti Regi *Edgaro*. *Morgan hen* obtinuit quoque tunc temporis totum *Morgannuc* in pace et quiete: sed *Huwel da* voluit auferre huic *Ystradui* et *Ewyas*, tunc temporis si posset. Quo audito, Rex *Edgarus* advocavit *Huwel da* et *Morgan hen*, et filium ejus *Huweyn*, ad curiam suam; et ibi in pleno consilio Rex *Edgarus* tractavit de litigatione amborum; et repertum est justo judicio curiæ Regis *Edgari*, quod *Huwel da* nequiter egisset contra *Morgan hen*, et filium suum *Huweyn*; et depulsus est *Huwel da* ab his duabus terris; scil. *Istradui* et *Euwias* in perpetuum, sine recuperatione. Et postea Rex *Edgarus* dedit et concessit *Huveno* filio *Morgan hen* illas duas terras, scil. *Istradui* et *Ewias*, nominatim, in Episcopatu *Landavensi* constitutas, sicuti suam propriam hæreditatem, et illas easdem duas terras, sibi et hæredibus suis, per cartam suam, sine calumpnia alicujus terreni hominis confirmavit. Communi vero assensu omnium Archiepiscoporum, Episcoporum, et Abbatum, Comitum, et Baronum totius *Angliæ* factum est; et quod maledictus esset a Deo patre, qui illas duas terras a dominio *Morgannuc*, et parochia *Landaviæ* unquam separaret. Et quod iterum benedictus foret a Domino Jesu Christo, qui hoc observaret, et a cuncto populo Christiano, a modo et usque in sempiternum, Amen. Insuper scitote, quod Carta illa, quæ illo die facta fuit et scripta, coram Rege *Edgaro* in pleno consilio suo, in Ecclesiam *Landavensem* deposita est.

Part II.

WESSEX.

Edward
the Elder.

(Mon. VI. 1235.)

[Moreover know ye in addition thereto, that at this time there were *Edgar*, King of the whole of *Britain*, and *Howel Dda* and *Morgan Hên*; and that these two were nevertheless subject to King *Edgar*. *Morgan Hên* also at that time held the whole of *Morganwg* (Glamorgan) in peace and quiet; but *Howel Dda* at that time wished to take from him, if he could, *Ystradwy* and *Ewyas*. When King *Edward* heard of this, he summoned *Howel Dda* and *Morgan Hên* and his son *Huweyn* to his Court; and there in full council King *Edgar* dealt with the litigation of the two parties. And it was found by a just verdict of the

Part II.
WESSEX.

Edward
the Elder.

Court of King *Edgar* that *Howel Dda* had acted wrongly against *Morgan Hên* and his son *Huweyn*, and *Howel Dda* was driven out of these two lands, to wit *Ystradwy* and *Ewyas*, for ever without recovery of the same. And thereafter King *Edgar* gave and granted to *Huweyn*, the son of *Morgan Hên*, those two lands, to wit *Ystradwy* and *Ewyas* by name, established in the Diocese of *Llandaff*, as his own peculiar heritage and confirmed the same two lands to him and his heirs, by means of his own charter, without let or hindrance of any man on earth. Moreover this was enacted by the common consent of all the Archbishops, Bishops and Abbots, Earls and Barons of the whole of *England*; and may he be accursed by God the Father who should seek at any time to remove these two lands from the lordship of *Morganwg* (Glamorgan) and from the Diocese of *Llandaff*. And again may he be blessed by Our Lord Jesus Christ, and by the whole of Christendom, who should observe this injunction, both now and for ever. Amen. Know ye in addition that this Charter, which has been made and written on this day in the presence of King *Edgar* in full council, has been deposited in the Cathedral at *Llandaff*.]

The original of this instrument is contained in the ancient and remarkable manuscript volume formerly preserved in the Cathedral of *Llandaff*, and also in another historical collection denominated "*Y cwttā Cyfarwydd o Forgannwg*." According to the usual custom of his people, the Welsh scribe, in writing the name of the Saxon Edward¹, has omitted the final *d*, and substituted a *g* for a *w*^a. I make this observation upon the authority of the valuable Genealogical Manuscript (Bib. Harl. No. 4181, and see above, p. 329), which appears to have been compiled with great care. The transaction between the Welsh Reguli and their English Suzerain has been unfairly represented in Wynne's *Caradoc* (p. 58). The record shews that they were summoned to the Court of the King of Wessex; the Editor of *Caradoc* chooses to tell us, that the matter was referred to his decision by the mediation

^a Thus, Radbod, a Breton, in his epistle to Athelstane, writes the name, *Edguardus* (Will. Malm. de Vita Aldhelmi, p. 30). Fordun wholly alters the name into *Edgar*, like the Welsh scribe. (Scotichron. vi. 14.)

of the clergy and nobility. It is fortunate for the truth of history that the old clerk of Llandaff was more sincere than the modern ancient Briton. *Morgan win mawr*, who, from the great age which he attained, was also styled *Morgan Hên*, obtained the honourable title of one of the three defenders of Britain. *Ystradwy* was one of the Commots of *Brecheinoc*. *Ewias* was afterwards divided into the two Lordships of *Ewias Harold* and *Ewias Lacy*.

Part II.

WESSEX.

Edward
the Elder.

- 925 ATHELSTANE, the son of *Edward*, succeeds by virtue of the will of his father, and is elected King of Mercia and of Wessex with the consent of the Optimates—consecrated at *Kingston*. An opposition is raised against him by one *Alfred*.

Athelstane's accession is obscurely described. The Anglo-Saxon Chronicle says, "And Æthestan was of Myrcum¹ gecoren to Cynges, and at Cynges tune gehalgod," which Dr. Ingram translates, "And Athelstane was chosen King in Mercia, and consecrated at Kingston." Florence of Worcester, usually agreeing so closely with the Chronicle, has no mention of Mercia. *Athelstanus* vero in *Kingestune*, id est in regia villa, in Regem elevatur. Et honorifice ab *Athelmo* Dorobernensi Archiepiscopo consecratur. [*Athelstan* indeed was raised to the throne at *Kingston*, that is, in the King's town, and was consecrated with due respect by *Athelm*, Archbishop of Canterbury.] Flores Hist. nearly in the same words: *Athelstanus* filius primogenitus apud *Kingestonam* villam regiam, Rex creatus. [*Athelstan*, his eldest son, was created King at *Kingston*, the King's town.] Malmesbury alludes to the event in the following manner:

Anno Dominicæ Incarnationis nongentesimo vicesimo quarto, *Æthelstanus* filius *Edwardi* regnare cœpit, tenuitque regnum annis sexdecim. Frater ejus *Ethelwardus*, paucis diebus post patrem vita decedens, sepulturam cum eodem *Wintoniæ* meruerat. Itaque magno consensu optimatum, ibidem *Æthelstanus* electus, apud regiam villam, quæ vocatur *Kingston*, coronatus; quamvis quidam

Part II.
WESSEX.
Æthelstan.

Alfredus cum factiosis suis (quia seditio semper invenit complices) obviare tentasset, cujus qui fuerit finis, posterius verbis ipsius regis referemus. Occasio contradictionis, ut ferunt, quod Æthelstanus ex concubina natus esset.

(Will. Malm. de Gestis Regum, ii. 6.)

[In the year of our Lord's Incarnation 924, *Æthelstan* the son of *Edward*, began to reign and held the throne for sixteen years. His brother *Ethelward*, dying a few days after his father, acquired the right of being buried with him at *Winchester*. And so *Æthelstan* was there elected King with the hearty assent of the nobles and was crowned at the King's town, which is called *Kingston*, although one *Alfred* with his adherents (for sedition always has its abettors) tried to oppose it. What the end of this man was we will tell later in the words of the King himself. The pretext for this opposition was, as report says, that *Æthelstan* was not born of a lawful wife. (William of Malmesbury, Acts of the Kings, ii. 6.)]

From these passages I think we may infer, that *Æthelstane* was first accepted as king by the Mercians, and afterwards by Wessex, and that his coronation or inauguration took place at *Kingston* for both kingdoms. (See Mercia.)

926 *Æthelstane* compels the Kings of Wales to meet him at *Hereford*, and to render tribute to him: and the Wye is fixed as the boundary of the English dominions. He afterwards subdues the Britons of *West Wales*—conquers *Exeter*, which they had hitherto held in common with the English, and drives them beyond the *Tamar*. OWEN, King of *Gwent*, and HOWELL, King of the Britons of the West, and IUDWALL, or IDWAL, King of all the Britons, become his vassals—he assumes the government of *Northumbria*. The Danish and other Chieftains, amongst whom is EALDRED, King or Prince of *Bamborough*, also submit to *Æthelstane*, the act of homage being performed at *Emmet*, 12th July. CONSTANTINE, King of the Scots, also submits, and attends the Court of *Æthelstane* as his man or vassal.

Northwallensium, id est, *Brittonum* aquilonalium

Regulos, apud *Herefordensium* urbem coegit occur- **Part II.**
rere, et aliquamdiu calcitrantes in deditionem **WESSEX.**
transire. Ita, quod nullus ante eum Rex vel *Athelstane.*
cogitare præsumpserat, ipse in effectum formavit:
ut ei nomine vectigalis annuatim viginti libras
auri, trecentas argenti penderent, boves viginti
quinque millia annumerarent....Inde digressus,
in occidentales *Britones* se convertit, qui *Corn-*
wallenses vocantur: quòd in occidente *Britanniæ*
siti, Cornu Galliæ ex obliquo respiciunt. Illos
quoque impigrè adorsus ab *Excestra* quam ad id
temporis æquo cum *Anglis* jure inhabitabant,
cedere compulit, terminum provinciæ suæ citra
Tambram fluvium statuens, sicut *Aquilonaribus*
Brittannibus amnem *Waiam*, limitem posuerat.

(Will. Malm. de Gestis Regum, ii. 6.)

[He compelled the Kings of the *North Welsh*, that is the
Princes of the northern *Britons*, to meet him at the city of
Hereford and after some demur to capitulate. Thus he actually
succeeded in bringing to pass what no King before him had
even presumed to imagine, namely, that under the title of
tribute they should pay to him yearly twenty pounds of gold
and three hundred of silver and also count out twenty-five
thousand oxen....Departing thence, he turned towards the
western *Britons*, who are called "men of *Cornwall*," because,
situated as they are in the west of *Britain*, they face obliquely
a "horn" of Wales. Attacking them also vigorously, beginning
with *Exeter* which at that time they occupied on equal terms
with the *English*, he forced them to yield, fixing the nearer side
of the river *Tamar* as the boundary of his province, in the same
way as he had made the river *Wye* the boundary for the northern
Britons. (William of Malmesbury, Acts of the Kings, ii. 6.)]

Regnante *Ealstano*, in monarchiam reducta est
Anglia, nam et *Northumbria* et *Scotia*, *Cumberlandia*
et aliæ quæque partes *Angliæ* potius ad ejus monar-
chiæ potestatem accesserunt quam cogerentur.

(Wallingford, 589.)

[In the reign of *Ealstan*, *England* was made into a monarchy,
for *Northumbria*, *Scotland*, *Cumberland* and all the other parts
of *England* came within the power of his rule voluntarily rather
than under compulsion. (John of Wallingford, p. 589.)]

Part II.
WESSEX.
 Athelstane.

Ethelstanus, qui primus regum *Anglorum* subactis
 ubique hostibus totius *Britanniæ* dominium obtinuit.

(Sim. Dunelm. Hist. Dunelm. ii. 10.)

[*Ethelstan*, who was the first of the *English* Kings, when he had subdued his enemies in every quarter, to hold sway over all *Britain*. (Simeon of Durham, History of Durham, ii. 10.)]

926 Sihtric died, and King Athelstane took possession of the government of the Northumbrians. And he ruled all the kings who were in this island. First, *Huwal*, King of the *West Wealas*, and *Constantine*, King of the *Scots*, and *Uwen*, King of *Gwent*, and *Ealdred*, the son of *Ealdwulf* of *Bamborough*. And with pledges and with oaths they ratified their compact, at a place called *Emmet*¹, “iiii Idus Julii,” and renounced all devil-worship. (Sax. Chron.)

Anno gratiæ 926, ignei per totam *Angliam* visi sunt radii, in aquilonari plaga cæli, portendentes mortem turpissimam regis *Sihtrici* supradicti, qui non multo post male periit. Cujus regnum *Æthelstanus*, expulso *Guthfertho* filio ejus, suo copulavit imperio: deinde omnes *Angliæ* regulos, *Huwal*, scilicet regem *Britonum*, *Constantinum* regem *Scotorum*, *Ulfferthum* regem *Wentorum*, prælio vicit et fugavit. *Ealdredum* quoque, filium *Eadulfi*, de castello *Bebbanberih* exturbavit. Et hi omnes, cum provincialibus aliis, videntes se ejus strenuitati non posse resistere, convenerunt, petentes pacem ab eo, atque idololatriæ renunciantes, fœdus cum ipso firmissimum pepigerunt. (Flores Hist.)

[In the year of Grace 926, rays of fire were seen throughout the whole of *England* in the northern region of the sky, portending the shameful death of King *Sihtric* mentioned above, who not long afterwards came to an evil end. And *Athelstan*, after driving out his son *Guthferth*, united his Kingdom with his own; thereafter he conquered in battle and put to flight all the petty Kings of *England*, to wit *Howel*, King of the *Britons*, *Constantine*, King of the *Scots*, *Wulferth*, King of *Gwent*. He also drove *Ealdred*, the son of *Eadwulf*, from the castle of *Bamborough*. And all these men, with those of other provinces, seeing that no possible resistance could be made

against his energy, met together and begged him for peace and **Part II.**
after renouncing all idolatrous practices, ratified a stable **WESSEX.**
compact with him. (Flowers of the Histories.)] Athelstan.

Cum *Sihtrico* Rege *Northanhimbrorum*, data ei in matrimonium una ex sororibus, victurum fœdus perculit, quo post annum mortuo, provinciam illam sibi subegit, expulso quodam *Aldulpho*, qui rebellabat. Et quia nobilis animus semel incitatus in ampliora conatur, *Ludwalum*, regem omnium *Walensium*, et *Constantinum*, regem *Scottorum*, cedere regnis compulit. Quos tamen non multo post, miseratione infractus, in antiquum statum sub se regnatos constituit, gloriosius esse pronuncians, regem facere quam regem esse.

(Will. Malm. de Gestis Regum, ii. 6.)

[He made an enduring compact with *Sihtric*, King of the *Northumbrians*, giving him one of his sisters in marriage, and when *Sihtric* died a year later he made his province subject to himself, after expelling one *Aldulph*, who was in revolt. And since the noble mind when once it is aroused aspires to loftier ends, he forced *Ludwal* King of all the *Welsh* and *Constantine*, King of the *Scots*, to abandon their Kingdoms. However not long afterwards, touched with compassion for them, he placed them in their former positions to rule under him, at the same time saying that it was a more glorious thing to make a King than to be one. (William of Malmesbury, Acts of the Kings, ii. 6.)]

926 Rex *Adelstanus*, sorore sua *Sihtrico* Rege *Northumbrorum* data, eum in ditionem cum omnibus *Pictorum*, *Scottorum* et *Britonum* regibus accepit.

(Chron. Johannis Abb. S. Petri de Burgo.)

[926 King *Adelstan*, after giving his sister to *Sihtric*, King of the *Northumbrians*, forced him to be subject to his sway, together with all the Kings of the *Picts*, *Scots* and *Britons*. (Chronicle of John, Abbot of Peterborough.)]

926 Rex *Sihtricus* obiit, cujus regnum *Athelstanus* adjecit imperio suo, expulso *Gutfertho* filio ejus: regem quoque *Brittonum*, *Huwal*, et regem *Scottorum*, *Constantinum*, et regem *Wentorum* *Wuer*, prælio vicit et fugavit, qui pacem ab eo petentes, firmatum sacramento fœdus cum eo pepigerunt.

(Mailros.)

Part II.
WESSEX.
Æthelstan.

[926 King *Sihtric* died and *Athelstan* added his kingdom to his rule after driving out his son *Guthferth*. He also conquered in battle and put to flight *Howel* the King of the *Britons*, and *Constantine*, the King of the *Scots* and *Wuer* the King of *Gwent*; but they asked him for peace and ratified with him a compact which they confirmed with their oaths. (Chronicle of Melrose.)]

Anno 926. *Northanhymbrorum* Rex *Sihtricus* vita decessit, cujus regnum Rex *Ethelstanus*, filio illius expulso *Guthfertho*, qui patri in regnum successerat, suo adjecit imperio. Omnes etiam reges totius *Albionis*, regem scilicet occidentalium *Brittonum* *Huwal*, dehinc regem *Scottorum* *Constantinum*, regemque *Wentorum*, *Wuer*, prælio vicit et fugavit. Hii omnes ubi se viderunt non posse strenuitati illius resistere, pacem ab eo petentes, in loco qui dicitur *Eamotum*, iv. idus Julii conveniunt, datoque sacramento firmum cum eo fœdus pepigerunt. (Sim. Dunelm. de Gestis.)

[In the year 926, *Sihtric*, King of the *Northumbrians*, died and King *Ethelstan*, after driving out his son *Guthferth*, who had succeeded his father on the throne, added his Kingdom to his own empire. He also conquered in battle and put to flight all the Kings of the whole of *Albion*, to wit *Howel*, King of the western *Britons* and afterwards *Constantine*, King of the *Scots* and *Wuer*, King of *Gwent*. And all these Kings when they saw that no possible resistance could be made against his power, begging for peace, met together in a place called *Emmet*, on the 11th of July and ratified with him a strong compact, confirming it with their oaths. (Simeon of Durham, History of the Kings.)]

. 926 *Northanhimbrorum* Rex *Sihtricus* vita decessit. Cujus regnum Rex *Ethelstanus*, &c. (ut supra) *Aldredum* quoque filium *Eadulfi*, de regia urbe, quæ lingua *Anglorum* *Bebbanbyrig* nominatur, expulit. Ii omnes ubi se viderunt, &c.

(Flor. Wigorn.)

[926 *Sihtric*, King of the *Northumbrians*, died. And King *Athelstan* added his kingdom, &c. (as above). He also drove out *Aldred* the son of *Eadwulf* from the royal town which in the tongue of the *English* is called *Bamborough*. And when they all saw that, &c. (Florence of Worcester.)]

934 Rex *Athelstanus* vastavit *Scotiam* usque **Part II.**
Dunfæder et *Wertemore* terrestri exercitu, navali **WESSEX.**
 vero usque *Catenes*, eo quod *Constantinus* pactum *Athelstane*.
 fœderis disruptit. (Mailros.)

[934 King *Athelstan* laid waste *Scotland* with his land forces as far as *Dunfother* and *Wertermore* and also with his naval forces as far as *Caithness*, because *Constantine* had broken the terms of the compact. (Chronicle of Melrose.)]

934 Strenuus Rex *Anglorum Ethelstanus*, quia Rex *Scottorum Constantinus* fœdus quod cum eo pepigerat disruptit, classica manu pervalida et equestri exercitu non modico, ad *Scotiam* proficiscitur. Qui prius sepulchrum Sancti *Cuthberti* adiens, eumque terrarum et aliarum rerum regali donatione honorans, *Scotiam* usque *Dunfæder* et *Wertermorum* terrestri exercitu vastavit, navali vero usque *Cathenes*, eamque maxima ex parte depopulatur. Unde vi compulsus Rex *Constantinus* filium suum obsidem cum dignis muneribus illi dedit, paceque redintegrata Rex in *Westsaxoniam* rediit. (Sim. Dunelm. de Gestis.)

[934 *Ethelstan*, the vigorous King of the *English*, because *Constantine*, the King of the *Scots*, had broken the compact which he had ratified with him, with a strong fleet of ships and large body of horsemen, set out for *Scotland*. And he, after repairing first to the tomb of St *Cuthbert* and honouring it with a royal gift of lands and other things, laid waste *Scotland* as far as *Dunfother* and *Wertermore* with his land forces, and with his naval forces as far as *Caithness* and ravaged it for the most part. Whereupon King *Constantine*, driven thereto by force, gave him his son as a hostage with suitable presents; and when peace had been restored the King returned to *Wessex*. (Simeon of Durham, History of the Kings.)]

934 *Ethelstanus* Rex, *Scotiam* tendens, cum totius *Britanniæ* exercitu... fugato *Oswino*, (vel *Ewino*) Rege *Cumbrorum*, et *Constantinus*, Rege *Scottorum*: terrestri et navali exercitu, *Scotiam* sibi subjugando perdomuit.

(Sim. Dunelm. Hist. Dunelm. ii. 18.)

[934 King *Athelstan*, proceeding to *Scotland* with an army of the whole of *Britain*, after having put to flight *Oswin*, (or *Ewin*)

Part II. King of the *Cumbrians*, and *Constantine*, King of the *Scots*,
WESSEX. with his land and naval forces subduing *Scotland* completely
Athelstane. mastered it. (Simeon of Durham, History of Durham, ii. 18.)]

934 *Strenuus Rex Anglorum Ethelstanus*, quia
Rex Scotorum Constantinus fœdus quod cum eo
 pepigerat dirupit, classica manu pervalida, et
 equestri exercitu non modico, ad *Scotiam* pro-
 ficiscitur, eamque maxima ex parte depopulatur.
 Unde vi compulsus *Rex Constantinus*, filium suum
 obsidem cum dignis muneribus illi dedit, paceque
 reintegrata, *Rex in West-Saxoniam* rediit.

(Flor. Wigorn.)

[934 *Ethelstan*, the vigorous King of the *English*, because
Constantine, the King of the *Scots*, had broken the compact
 which he had ratified with him, with a strong fleet of ships and
 a large body of horsemen set out for *Scotland* and ravaged it
 for the most part. Whereupon King *Constantine*, driven thereto
 by force, gave him his son as a hostage with suitable presents,
 and when peace had been restored the King returned to *Wessex*.
 (Florence of Worcester.)]

926 } King *GUTHFERTH* or *GODFREY*, expelled by
 927 } *Athelstane*.

931 *Athelstane* holds a very solemn Witenagemot at
 Leowton (Luton?)¹ which is attended by his vassals,
 the British Subreguli.

ÆTHELSTANUS, *Rex Anglorum* per omni-
 patrantis dexteram totius *Bryttaniæ* regni
 solio sublimatus, &c.

Anno Dominicæ Incarnationis d.cccc°.xxx°.i°.
 Regni vero gratis mihi commissi vii°. Indictione
 iiiia. epacta nulla, concurrente v°. ii. idus Novem-
 bris, luna xx^a. viii^a, in villa omnibus notissima quæ
Leowtun nuncupatur. Episcopis, Abbatibus, Ducibus,
 Patriæ procuratoribus, regia dapsilitate ovan-
 tibus perscripta est. Cujus etiam inconcussæ
 firmitatis auctoritas his testibus roborata constat
 quorum nomina subtus characteribus depicta anno-
 tantur.

Ego *ÆTHELSTANUS* florentis *Brytaniæ* monarchia
 præditus Rex hujus indiculi fulcimentum, cum

signo sanctæ semperque amandæ crucis corroboravi **Part II.**
 et subscripsi. Ego *Wulfhelmus Dorobernensis* **WESSEX.**
Eclesiæ Archiepisc. consensi et subscripsi. Ego *Æthelstan.*
Wulfstanus Eboracensis *Eclesiæ Archiepisc. con-*
sensi et subscripsi. Ego *HOWÆL*, Subregulus,
consensi et subscripsi. Ego *IUTHWAL*, Subregulus,
consensi et subscripsi. Ego *Ælfwine*, Episc. *con-*
sensi et subscripsi^a. Ego *Eadulf*, Episc. Ego
Cunan, Episc. Ego *Ælfheh*, Episc. Ego *Sigelm*,
 Episc. Ego *Cenwald*, Episc. Ego *Beornstan*, Episc.
 Ego *Oda*, Episc. Ego *Wynsige*, Episc. Ego *Wulf-*
hun, Episc. Ego *Theoderd*, Episc. Ego *Cyneferth*,
 Episc. Ego *Tidelm*, Episc. Ego *Cynsige*, Episc.
 Ego *Eadward*, Episc. Ego *Æscherht*, Episc. Ego
Wired, Episc.

Ego *Ælfwald*, Dux. Ego *Osferth*, Dux. Ego
Aldred, Dux. Ego *Uhtred*, Dux. Ego *Æscherht*,
 Dux. Ego *Ælfstan*, Dux. Ego *Uhtred*, Dux.
 Ego *Urm*, Dux. Ego *Guthrum*, Dux. Ego *Haward*,
 Dux. Ego *Gunner*, Dux. Ego *Thurferth*, Dux. Ego
Ælfred, Dux. Ego *Hadd*, Dux. Ego *Scule*, Dux.

Ego *Ælfric*, Abbas. Ego *Eadwine*, Abbas. Ego
Æthelnoth, Abbas. Ego *Biorhtsige*, Abbas. Ego
Seaxhelm, Abbas.

Ego *Odda*, Minister. Ego *Wulfgar*, Minister.
 Ego *Æthelstan*, Minister. Ego *Ælfheh*, Minister.
 Ego *Æthelferth*, Minister. Ego *Ælfhere*, Minister.
 Ego *Æthelwold*, Minister. Ego *Eadric*, Minister.
 Ego *Ælfwald*, Minister. Ego *Buga*, Minister. Ego
Ælfric, Minister. Ego *Beorhtulf*, Minister. Ego
Hefa, Minister. Ego *Ælfric*, Minister. Ego *Ælf-*
sige, Minister. Ego *Sigeric*, Minister. Ego *Ætheric*,
 Minister. Ego *Ælfheh*, Minister. Ego *Swithulf*,
 Minister. Ego *Wullaf*, Minister. Ego *Æthelm*,
 Minister. Ego *Eadric*, Minister. Ego *Æthelweard*,
 Minister. Ego *Æthelmund*, Minister. Ego *Ealh-*
helm, Minister. Ego *Æthelnoth*, Minister. Ego
Wulfsige, Minister. Ego *Ealhelm*, Minister. Ego
Æthelstan, Minister. Ego *Ælfric*, Minister. Ego
Ælfstan, Minister. Ego *Wulfric*, Minister. Ego
Æthelmund, Minister. Ego *Burherd*, Minister. Ego

^a All the other parties sign and confirm in the same form,

Part II.
WESSEX.
 Athelstane.

Wulfsige, Minister. Ego *Beorhtric*, Minister. Ego
Æthelstan, Minister. Ego *Æthelm*, Minister. Ego
Wulfnoth, Minister. Ego *Wulfmær*, Minister. Ego
Wulfsige, Minister. Ego *Wihtgar*, Minister. Ego
Wynsige, Minister. Ego *Ælfhelm*, Minister. Ego
Ælferd, Minister. Ego *Wulfric*, Minister. Ego
Ælfric, Minister. Ego *Æthelweard*, Minister.
 Ego *Eadulf*, Minister. Ego *Æthelsige*, Minister.
 Ego *Wiferth*, Minister. Ego *Wulfhelm*, Minister.
 Ego *Cyred*, Minister. Ego *Æthelstan*, Minister.
 Ego *Ælfnoth*, Minister. Ego *Ælfsige*, Minister.
 Ego *Æthelstan*, Minister. Ego *Aelfsige*, Minister.

(Museum Charters, viii. 10.)¹

[*ATHELSTANE*, King of the *English*, by the right hand of the Almighty, raised to the throne of the realm of the whole of *Britain*, &c.

In the year 931 of our Lord's Incarnation, and indeed the seventh of the Kingdom which has been by favour entrusted to me, in the 4th Indiction, Epact zero, Concurrent five, November 12th, on the 28th day of the moon, in the town well known to all which is called *Luton*. To the Bishops, Abbots, Dukes and Governors of the country, who enjoy the King's bounty, this is written. And also the authority of its unshaken stability hereby endures strengthened by these witnesses whose names are hereunder appended written in character.

I *ATHELSTAN*, King in possession of the flourishing Kingdom of *Britain*, have corroborated the base of this instrument with the sign of the holy and ever-to-be-beloved cross and signed it. I *Wulfhelm*, Archbishop of the Church of *Canterbury*, have assented thereto and subscribed my signature. I, *Wulstan*, Archbishop of the Church of *York*, have assented thereto and subscribed my signature. I, *HOWEL*, under king, have assented thereto and subscribed my signature. I, *JUTHWAL*, under king, have assented thereto and subscribed my signature. I, *Ælfwine*, Bishop, have assented thereto and subscribed my signature. I *Eadwulf*, Bishop, &c., &c....]

934 *Athelstane* holds a Witenagemot at Buckingham, in which *CONSTANTINE* of Scotland appears as a Subregulus of his Imperial Crown.

Ego *Ethelstanus*, Rex *Anglorum*, per omnipotentis dexteram totius *Britanniæ* regni solio sublimatus, &c.

Anno Dominicæ Incarnationis d. ccccxxxiiii. In- Part II.
dictione septima, Epacta xiiii. concurrente ii. idus **WESSEX**.
Septembris, luna xxix. in villa quæ *Bukingham* *Athelstane*.
dicitur, tota magnatorum generalitate sub ulnis
regiæ dapilitatis ovanti perscripta est, cujus eciam
inconcussæ firmitatis auctoritas hiis testibus robo-
rata constat, quorum nomina subtus deputata
annotantur. Ego *Athelstanus*, singularis privilegii
ierarchia præditus Rex hujus acumen indiculi cum
signo sanctæ semperque adorandæ crucis corro-
boravi et subscripsi. Ego **CONSTANTINUS**, Sub-
regulus, consensi et subscripsi; cum multis aliis.

(Mon. I. p. 59.)¹

[I, *Ethelstan*, King of the *English*, by the right hand of
the Almighty, raised to the throne of the realm of the whole of
Britain, &c.

In the year 934 of our Lord's Incarnation, in the seventh
Indiction, Epact fourteen, Concurrent two, on this the 13th day
of September, on the 29th day of the moon in the town which is
called *Buckingham*, with the whole assembly of magnates who
rejoice beneath the arms of the bounty of the King, this is
written, and also the authority of its unshaken stability hereby
endures strengthened by these witnesses whose names are
hereunder appended, delivered in character. I, *Athelstan*,
endowed with a dominion of singular privilege have corroborated
the extremity of this instrument with the sign of the holy and
ever-to-be-adored cross and signed it. I, **CONSTANTINE**, Vassal
King, have assented thereto and signed my name together with
many others. (Mon. I. 59.)]

935 *Athelstane* invades Scotland—defeats **CONSTAN-**
TINE, King of the Scots, and **EUGENIUS** or
OWEN, King of the *Cumbrians*, and subdues the
whole country.

937 } Great battle at *Brunnaburgh*, in which **CONSTANTINE**
938 } and **OWEN**, and other Kings of the North, were
defeated, and **ANLAF** or **OLAVE** the Dane, com-
pelled to return to *Ireland*.

938 *Athelstane* holds a Witenagemot at *Dorchester*, at which
four British Subreguli, **OWEN**, **HOWELL**, **MOR-**
GAN and **IDWALL**, perform suit and service.

Ego **ETHELSTANUS**, Rex *Anglorum*, per omnipo-

Part II.
WESSEX.
Athelstane.

tentis dexteram totius *Brittanniæ* regno sublimatus, &c. [after granting certain lands to the Monastery of Malmesbury, he proceeds] Sciant autem sapientes nostræ regionis; nos has præfatas terras non injuste rapuisse, rapinamque Deo dedisse; sed sic eas accepi, quemadmodum judicaverunt omnes Optimates Regni *Anglorum*, insuper et Apostolicus Papa Romanæ Ecclesiæ *Johannes*¹, *Elfredo* defuncto, qui nostræ felicitati et vitæ æmulus extitit, nequitiae inimicorum meorum consentiens, quando me voluerunt, patre meo defuncto, cæcare in *Wintonia* civitate; si non me Deus sua pietate eripuisset. Sed denudatis eorum machinamentis, remissus est ad Romanam Ecclesiam, ut ibi se coram *Johanne* Apostolico jurejurando defenderet; et hoc fecit coram Sancti *Petri* altari, sed facto juramento, cecidit coram altari; et manibus famulorum portatus est ad scholam *Anglorum*, et in tertia nocte vitam finivit. Et tunc Apostolicus ad nos remisit; et quid de eo ageretur consuluit. Nos autem Optimatum nostrorum rogatu concessimus; ut poneretur ad cæteros Christianos, quamvis indignus. Et sic judicata est mihi possessio illius omnis, in magnis et modicis, &c. Hujus autem, a Deo Dominoque Jesu Christo inventæ atque inspiratæ voluntatis, scedula anno Dominicæ Incarnationis 937, regni vero mihi gratis commissi 11, Indictione octava, Epacta 14, concurr. Tertio, 12 Calend. Januarii, luna vertentis Mensis decima, in civitate celeberrima, quæ *Dornacester* appellatur, conscripta est, tota Optimatum generalitate sub alis regiæ dapsilitatis ovanti. Subscripsere Subreguli, *EUGENIUS—HOWEL—MORCANT—JUDUAL*. Archiepiscopi, *Wlfelmus*, *Doroberniæ—Wulstanus*, *Eboraci*. Episcopi, *Burgric*, *Roffensis—Tedred*, *Lundoniensis—Ethelgar*, *Orientalium Anglorum—Alfrith*, *Wintoniensis—Elfredus*, *Scireburnensis—Wlfelmus*, *Wellensis—Ethelgar*, *Cridiensis—Oda*, *Wiltensis—Eadhelm*, *Selesienis—Sexhelm*, *sci. Cuthberti—Tidelm*, *Herefordensis—Elwine*, *Wigorniensis—Kinci*, *Licitfeldensis—Winsi*, *Legecestrensis*.
(Will. Malm. de Vita Aldhelmi, p. 31.)²

[I, **ETHELSTAN**, King of the *English*, by the right hand **Part II.**
of the Almighty raised to the throne of the whole of *Britain*, **WESSEX.**
&c.... Moreover let the Witan of our kingdom know that we **Æthelstan**.
have not seized the aforesaid lands without justice and dedicated
plunder to God, but I received them, even as all the Nobles of
this Kingdom of the *English* and also *John* the Apostolic Pope
of the Roman Church adjudged them, when *Elfred* died, who
shewed himself envious of our prosperity and of our life, by
becoming a party to the wicked designs of our enemies, when
they wished to put out my eyes in the town of *Winchester*
after the death of my father, had not God with his fatherly love
delivered me. But when all their designs had been laid bare,
he was sent to the Cathedral at Rome, so that there, in the
presence of *John* the Pope, he might clear himself on oath, and
this he did before the altar of *St. Peter*: but when he had taken
his oath, he fell down before the altar and was carried by the
hands of his servants to the *English* School and on the third
night after he died. And then the Pope sent to us and asked our
advice as to what should be done to him. We accordingly,
at the request of our Nobles, have granted that he should be
buried with all other Christians, unworthy though he be. And
so possession of all his goods, both small and great, has been
adjudged to me, &c. Moreover the charter of this our purpose,
formed and inspired by God and the Lord Jesus Christ, was
written in the year of Our Lord's Incarnation 937, in the 11th
year of my tenure of the throne by divine favour entrusted to
me, in the eighth Indiction, the fourteenth epact, the third
concurrent, on this the 21st day of December, on the tenth
day after the new moon, in the well-known town which is called
Dorchester, before the whole assembly of the optimates who
rejoice beneath the wings of the King's bounty. The Vassal
Kings have appended their names:—**OWEN**, **HOWEL**, **MOR-**
CANT, **JUDUAL**. *Wulfhelm*, Archbishop of *Canterbury*,—
Wulstan of *York*,—*Burhric*, Bishop of *Rochester*—*Theodred* of
London—*Æthelgar* of the *East Anglians*—*Ealhfrith* of *Winchester*
—*Elfred* of *Sherborne*—*Wulfhelm* of *Wells*—*Æthelgar* of *Crediton*
—*Oda* of *Ramsbury*—*Eadhelm* of *Selsey*—*Sexhelm* of *St. Cuthbert's*
—*Tidhelm* of *Hereford*—*Elwine* of *Worcester*—*Kinsi* of *Lichfield*
—*Winsi* of *Leicester*. (*William* of *Malmesbury*, *Life* of
St. Aldhelm, p. 31.)]

941—Oct. 27. **Æthelstan** died—41 years all but one day
after the death of *Alfred*—and he reigned 14 years
and 10 weeks.

Part II.
WESSEX.
Edmund.

940¹ Edmund Atheling, son of *Edward* the Elder, succeeds at the age of 18 years^a.

^a Anno Dominicæ Incarnationis 941, *Edmundus* frater *Athelstani* adolescens octodecim circiter annorum, tenuit regnum annis sex et semis. Hujus tempore *Northanimbri*, reditiva meditates prælia, pactum, quod cum *Athelstano* pepigerant, corrumpere, et *Anlafum* ab *Hibernia* revocatum, statuerunt regem. At vero *Edmundus*, qui existimaret injuriam si non fraternæ victoriæ reliquias prosequeretur, copias contra desertores ductitavit. Quibus mox loco cedentibus, omnes civitates citra *Humbram* fluvium suæ potentiæ redegit. *Anlafus* cum quodam regulo *Reinaldo*, filius illius *Gurmundi*, de quo in gestis *Elfredi* tetigimus, animum regis tentans, deditionem sui obtulit; Christianitatem fidei suæ obsidem protestans, et professus. (Sed non diu barbaricus animus in sententia mansit, quin et sacramentum læderet, et Dominum irritaret. Qua propter anno sequenti pulsus perpetuo exilio pœnas luit. Provincia, quæ vocatur *Cumbreland*, regi *Scottorum*, *Malcolmo*, sub fidelitate jurisjurandi, commendata est. (Will. Malm. de Gestis Regum, ii. 7.)

[In the year of Our Lord's Incarnation, 941, *Edmund*, the brother of *Athelstan*, a youth of about 18 years of age, held the throne for six years and a half. In his time, the *Northumbrians*, turning their thoughts to a renewal of war, broke the compact which they had ratified with *Athelstan*, and recalling *Anlaf* from *Ireland*, they set him up as King. *Edmund*, however, who thought it would be wrong not to consummate the effects of his brother's conquest, led his forces against the insurgents. And when they quickly gave ground before him, he reduced all the towns on the near side of the *Humber* to his power. *Anlaf*, together with a certain prince named *Reinald*, the son of that *Gurmund*, whom we mentioned in our account of the doings of *Alfred*, with the object of testing the King's spirit, offered to surrender to him, offering conversion to Christianity as a pledge of his good faith and embracing it. But his heathen mind did not long remain in such sentiments to prevent him from violating his oath and taking the Lord's name in vain. And for this he paid the penalty in the following year by being sent into everlasting exile. The province, which goes by the name of *Cumberland*, was entrusted to *Malcolm*, King of the *Scots*, on the safeguard of his oath. (William of Malmesbury, Acts of the Kings, ii. 7.)]

945 King *Edmund* herried all the land of the *Cumbrians*, and

942 *Northumbria* revolts—the Danes take *ANLAF* or **Part II.**
OLAVE as their King. **WESSEX.**

Mercia invaded—the Danish Burghs submit to *Edmund.*

let the same to *Malcolm*, King of *Scots*, upon condition that he should be his co-operator, both by sea and by land—"on that gerad, that he wære his midwyrhta ægther ge on sæ ge on lande." (Sax. Chron.)

945 *Magnificus Rex Anglorum, Eadmundus*, terram *Cumbrorum* depopulatus est, illamque Regi *Scottorum, Malcolm*, eo tenore dedit, ut terrâ marique sibi fidelis existeret. (Flor. Wigorn. Sim. Dunelm.)

[945 *Edmund*, the glorious King of the *English*, ravaged the land of the *Cumbrians* and gave it to *Malcolm*, King of the *Scots*, on the condition that he would be faithful to him by sea and land. (Florence of Worcester. Simeon of Durham.)]

946 *Rex Eadmundus*, adjutorio *Leolini* regis *Demetiae* fretus, *Cumbriam* totam cunctis opibus spoliavit, ac duobus filiis *Dummaili* ejusdem provinciae Regis, oculorum luce privatis, regnum illud *Malcolmo, Scotorum* Regi, de se tenendum concessit, ut *Aquilonares Angliae* partes, terrâ marique, ab hostium adventantium incursione tueretur. (Flores Hist.)

[946 King *Edmund*, relying on the aid of *Llewellyn*, King of *Demetia*, with all his forces laid waste the whole of *Cumbria*, and having put out the eyes of the two sons of *Dunmail*, King of that province, made over the throne to *Malcolm*, King of the *Scots*, to be held of him, that he might safeguard the northern portions of *England*, by sea and land, from any raid on the part of an advancing enemy. (Flowers of the Histories.)]

...totam *Cumbreland*, quia gentem provinciae illius perfidam et legibus insolitam ad plenum domare nequibat, prædavit et contrivit, et commendavit eam *Malculmo* Regi *Scotiae*, hoc pacto, quod in auxilio sibi foret terrâ et mari. (Hen. Hunt. v.)

[...he spoiled and laid waste the whole of *Cumberland*, because he was unable to pacify fully the inhabitants of that province who were faithless and accustomed to a state of lawlessness, and he entrusted it to *Malcolm*, King of *Scotland*, on these terms, that he should render him aid, by sea and land. (Henry of Huntingdon, v.)]

Post mortem *Athelstani*, terrarum omnium indigenæ, quos ipse bello de *Brownynghfeld* suo dominio redegerat, ad priores dominos *Scotos* et *Danos* respirabant. *Northumbri* quidem, *Anlafum* ex *Hibernia* revocandum, ac regem denuo constituen-

- Part II. 943 A treaty concluded between **Edmund** and **ANLAF**, by
WESSEX. which Watling-street was settled as the demarcation
Edmund. of the kingdoms.

dum disponunt. Quod cum ad *Eadmundi* pervenit auditum, metuit ne forte populus *Cumbrice* *Scotis* adhæreat, ut *Anlafa*, *Northumbri*: pro ea maluit amicum venari, quam, ipso invito crudelis eam hostis, et forte pro perpetuo, possideret; unde *Malcolmi* regis auxilium, et animum placabilem firmiter sibi junctum contra *Danos*, habere desiderans, totam ei *Cumbriam* in perpetuum, sub fide jurata, tradidit possidendam.

...Postmodum vero statim inter eos concordatum est, et amborum consilio decretum, ut in futurum, pro bono continuandæ pacis utriusque regni, *Malcolmi* Regis proximus hæres *Indulfus*, ceterorumque regum *Scotorum* hæredes qui pro tempore fuerint, *Eadmundo* regi suisque successoribus, *Angliæ* regibus hominum pro *Cumbria* facerent, ac fidelitatis sacramentum: insuper itaque quod neuter eorum hanc barbaram aquilonis et perfidam gentem suo receptet in regno, quovismodo protegat, auxilium præbeat, vel favorem seu, cujuscunque rei gratia, sub fidelitatis homagio suscipiat. Et ad hæc omnia firmiter in posterum observanda, Rex uterque vinculo conjurationis alterutri est astrictus. Anno quoque *Malcolmi* quarto, Rex *Eadmundus* a quodam latrunculo, quem cum una dierum in aula de malefactis exprobrasset, in medio militum pugione perfossus interiit; et sibi successit *Eadredus* frater ejus. (Scotichron. iv. 24.)

[After the death of *Athelstan*, the inhabitants of all the lands, which he had reduced under his lordship in the battle of *Brownnyngfeld*, began to sigh for their former overlords, the *Scots* and *Danes*. In fact the *Northumbrians* arranged to recall *Anlaf* from *Ireland* and set him up as King a second time. When this came to the ears of *Edmund*, he was afraid lest perchance the people of *Cumberland* would adhere to the *Scots*, as the *Northumbrians* had done to *Anlaf*; wherefore he preferred to seek for a friend rather than that, against his will, a cruel enemy should obtain possession of this province and perhaps hold it for ever. Whereupon, wishing greatly to have the help of King *Malcolm*, and his placable mind strongly united to his own in opposition to the *Danes*, he handed over the whole of *Cumberland* to him to be held for ever on his sworn allegiance.

...Immediately afterwards it was agreed between them and decreed in accordance with the policy of them both, that, in the future, for the advantage of the continuation of peace between

- 944 *Northumbria* becomes the dominion of **Edmund**—Part II.
ANLAF and *REGINALD* expelled. **WESSEX.**
Edmund.
- 945 *Cumbria* conquered by **Edmund** and granted to
MALCOLM of Scotland, on condition of military
 service. (See above, p. 378, note a.)
- 946—May 26. **Edmund** assassinated by *Liof*, at *Puckle-*
church—he reigned six years and a half.
- 946 } **Edred**, son of Edward the Elder, and considered as **Edred**.
 947 } the next heir to Edmund, succeeds to the four-fold
 Empire of the Anglo-Saxons and Northumbrians,
 Pagans and Britons, and is consecrated at *Kingston*^a.

the realms, *Indulf*, the next heir of King *Malcolm* and whatever heirs of the other Kings of the *Scots* there might be from time to time, should do homage for *Cumberland* and take an oath of allegiance to King *Edmund* and his successors, the Kings of *England*. Moreover it was agreed that neither of them should receive into his Kingdom that heathen and faithless people of the North, nor protect it in any way nor offer it aid nor receive any favour at its hands in consideration of any matter whatsoever, under promise of homage and fealty. And both of the Kings were bound by the chain of their oaths, each to the other, to firmly observe all these obligations in the future. Also in the fourth year of *Malcolm's* reign, King *Edmund* was stabbed to death with a dagger in the midst of his soldiers, by a robber whom he had chided for his misdeeds on a certain day in his palace, and his brother *Edred* succeeded him (Fordun, iv. 24.)]

^a *Edredus frater Edmundi Regis, fratri suo successit in regno, et eodem anno Northumbras, jugum dominationis suæ ferre nolentes, cum valida armatorum manu petiit, totamque sibi conquisivit. Inde vero in Scotiam vexilla direxit. Scotti igitur nimio terrore percussi, sine bello subdiderunt se Regi, et juraverunt ei tam Nordhumbri, quam Scotti, debitam domino fidelitatem, quod tamen juramentum diu non duravit.* (Hen. Hunt. v.)

[*Eadred*, the brother of King *Edmund*, succeeded his brother on the throne, and in the same year invaded the *Northumbrians* with a strong force of armed men, because they refused to bear the yoke of his rule, and won the whole of it for himself. Thereupon he directed his banners toward *Scotland*. The *Scots* therefore struck with overwhelming fear surrendered to the King without fighting and swore to him, both *Northumbrians*

Part II.
WESSEX.
 Edred.

After which the Proceres or Witan of *Northumbria* take the oaths of fealty to him, and the Scots and Cumbrians do the like.

and *Scots*, the fealty due to their lord, but this oath however did not last long. (Henry of Huntingdon, v.)]

946 *Eadredus*...ut suus germanus prius egit, totam *Northimbriam* in suum dominium redegit, et a *Scotis*, ut sibi fideles essent, juramentum accepit. (Flor. Wigorn.)

[946 *Eadred*, as his brother had done before him, reduced the whole of *Northumbria* to his rule and received from the *Scots* an oath that they would be faithful. (Florence of Worcester.)]

946 Hic ut suus germanus prius egerat, Rex *Eadmundus*, *Northanhumbriam* totam in sui dominium redactam, a Rege *Scotorum* fidelitatem accepit, et insuper *Eboracensi* Ecclesiæ Metropolitanæ duo signa non modica devotus donavit. Denique cum a Rege *Cumbrorum* juramentum fidelitatis accepisset, et partes illas in securitate posuisset, versus austrum cum suis contendit. (Flores Hist.)

[946 He, just as his brother, King *Edmund*, had done before him, reduced the whole of *Northumberland* to his rule and received allegiance from the King of the *Scots*, and in addition he devoutly presented to the metropolitan church at *York* two large standards. Finally when he had received the oath of allegiance from the King of the *Cumbrians* and had made all these regions secure, he hastened southwards with his men. (Flowers of the Histories.)]

946 *Edredus* tertius ex filiis *Edwardi*, regnum suscipiens, rexit annos novem et dimidio. Ejus magnanimitas a patre et patribus non degenerans hanc summam dedit, *Northanhimbros* et *Scottos* facile ad sacramentum suæ fidelitatis adactos, et mox foedifragos, quodam *Ericio* Rege super se statuto, pene hominibus delevit, tota provincia fame ferroque foedata. (Will. Malm. de Gestis Regum, ii. 7.)

[946 *Edred*, the third of *Edward's* sons, succeeded to the kingdom and reigned for nine years and a half. The greatness of his mind, in no way inferior to that of his father or his ancestors, brought about this great consummation, that he killed off almost all the men of the *Northumbrians* and the *Scots*, who had easily been brought to take the oath of allegiance to him, but who soon after violated the compact by placing over them one *Eric* as their King. The whole province was laid

In the Life of Dunstan, written by a contemporary author, whose name is indicated by the **Part II.**
WESSEX.
Ethel.

waste by hunger and by the sword. (William of Malmesbury, Acts of the Kings, ii. 7.)]

Eadmundi successor extitit *Eadred* in regnum, suus quippe frater; cui *Northymbrii* subjiuntur cuncti necnon *Scoti*, iuranda confirmant immutabilemque fidem. (Ethelwerd, iv. 7.)

[*Eadred* became *Edmund's* successor to the throne, being, as he was, his brother. The *Northumbrians* and all the *Scots* are made subject to him and confirm their oaths of unswerving fidelity. (Ethelwerd's Chronicle, iv. 7.)]

Eadredus erat autem tantæ probitatis, ut rebellantes sibi *Northymbros* et *Scotos* facile vicerit, et in *pristinam subjectionem* sine magno labore redegit. (Ethel. Rievall. de Gen. Regum, p. 358.)

[Moreover *Eadred* was a man of such valour that he easily conquered the *Northumbrians* and the *Scots* who were in rebellion against him and reduced them without much trouble to their former state of subjection. (Ailred of Rievaulx, Genealogy of the Kings, p. 358.)]

947 *Edredus* Rex, *Northanhumbros* et *Scottos* sibi, sicut prædecessores sui, subjugavit. (Chron. Johannis Abb. S. Petri de Burgo.)

[947 King *Edred* made the *Northumbrians* and the *Scots* subject to him just as his predecessors had done. (Chronicle of John, Abbot of Peterborough.)]

949 *Wulstanus Eboracensis* Archiepiscopus, proceresque *Northimbrensis* omnes, in villa quæ dicitur *Taddenescliff*, egregio Regi *Anglorum* *Edredo* fidelitatem juraverunt; sed non illam diu tenuerant, nam quendam *Danica* stirpe progenitum, *Ircum* nomine, super se regem levaverunt. (Flor. Wigorn.)

[949 *Wulstan*, Archbishop of *York*, and all the nobles of *Northumberland* swore the oath of fidelity to *Edred*, the illustrious King of the *English*, in the town which is called *Tanshelf*; but they did not keep their oath long, for they set up one *Eric* by name, a man of *Danish* descent, to be King over them. (Florence of Worcester.)]

Malcolmus autem Rex cum *Eadredo* pacem habuit, facto sibi prius hominio pro *Cumbria* per *Indulfum*.... *Malcolmo* successit *Indulfus*, filius *Constantini* filii *Ethi Alipedis*, qui totidem ut ipse regnavit annis, et anno Domini nongentesimo quinquagesimo secundo, necnon *Othonis* primi decimo quinto, regnare cœpit.

Part II.
WESSEX.
Edred.

initial B. supposed to stand for Bridferth¹, *Eadred* is expressly called the next heir: Perempto Rege *Eadmundo*, mox proximus hæres *Eadrædus* regnum suscepit. (Acta Sanct. Maii IV. p. 353.)

[When King Edmund was killed, his next heir *Eadred* presently ascended the throne. (Acts of the Saints, May, IV. p. 353.)]

Florence uses the same language. Brompton intimates that *Edred* succeeded in consequence of the minority of his nephews. Mortuo vero dicto *Edmundo* Rege, *Edredus* frater suus eo quod pueri *Edwinus* et *Edgar*, filii *Edmundi*, præ immatura ætate adhuc regnare non poterant, sibi in regno successit. (Brompton, 862.) [When indeed the aforesaid King *Edmund* had died, his brother *Eadred* succeeded him on the throne, because the boys, *Edwin* and *Edgar*, the sons of *Edmund*, were not yet able to reign, on account of their immature age. (John of Brompton, 862.)]

The succession of *Edred* is noticed in a very unusual manner in the following charter. From the *four-fold division* of the Empire, it appears, that though Mercia was held distinctly from Wessex, it was considered as forming with it the state or country of the "Anglo-Saxons."

946 Concedente gratia Dei Anno Dominicæ Incarnationis dcccc.xlvi. contigit post obitum *Eadmundi* regis, qui regimina regnorum, *Angul-saxna* et *Northhymbra*, *Paganorum*, *Brettonumque*,

Ad *Cumbriæ* dominium, eo coronato, promotus est *Duffus*, Regis *Malcolmi* filius, *Eadredo* Regi solitâ fidelitatis fide facta. (Scotichron. iv. 25.)

[King *Malcolm* however maintained peace with *Eadred*, having previously done homage to him for *Cumberland* in the person of *Indulf*... *Malcolm's* successor was *Indulf*, the son of *Constantine* the son of *Ethus Alipes*, and he reigned for as many years as his father, beginning his reign in the nine hundred and fifty second year of Our Lord and also in the fifteenth year of Otho the First. When he had been crowned, *Duff*, the son of King *Malcolm*, was promoted to the lordship of *Cumberland*, after taking the customary oath of fidelity to King *Eadred*. (Fordun, iv. 25.)]

septem annorum intervallo regaliter gubernabat, **Part II.**
 quod *Eadred* frater ejus uterinus, electione opti- **WESSEX.**
 matum subrogatus pontificali auctoritate eodem **Ebor.**
 anno, catholice, est Rex et Rector ad regna quadri-
 pertiti regiminis consecratus, qui denique Rex in
 villa quæ dicitur, "regis," *Cyngestun*, ubi et con-
 secratio peracta est, plura plurimis perenniter
 condonavit charismata; hoc potest pro certo
Wulfric pedisequus alacriter conlaudare, quem
 honorifice idem Rex locupletata largitate lætificat
 concedens ei terram vii. manentium jure perpetuo
 perfruendam certis tramitibus uti fertur inferius
 terminatam ad *Wurcingtune*, magnis rebus ac
 modicis præter arcem atque pontem agonisque
 obsequium usurpatam.

Ista porro usurpatio, Anno Dominicæ Incar-
 nationis *decccxvi.* et primo temporalis cicli
 laterculo quo scepra diadematum *Angulsaxna* cum
Northhymbris, et *Paganorum* cum *Brettonibus* guber-
 nabat; his testibus quorum nomina subsequuntur
 conscribentibus hoc modo peracta est: *Eadred* Rex
 cum Archiepiscopis, ceterisque præsulibus hanc
 tellurem triumphali tropheo usurpavit. *Oda*,
 Archiepisc. *Wulfstan*, Archiepisc. *Theodred*, Episc.
Aelfhæh, Episc. *Wulfgar*, Episc. *Koenwald*, Episc.
Aelfric, Episc. *Wulfhelm*, Episc. *Wulfsige*, Pontif.
Aelfred, Pontif. *Aethelgar*, Pontif. *Aethelwald*,
 Pontif. *HOWÆL*, Regulus. *MARCANT*, *Cadmo*.
Aethelmund, Dux. *Alkhelm*, *Aldermon*. *Aethel-*
stan, Comes. *Eadric*, Princeps. *Osulf*, *Hæhgerefa*.
Urin [*Urm*]. *Imorcer*, Eorl. *Grim*. 7 *Coll*, Eorl.
Eadred, Abbud. *Wigstan*, Abbud. *Dunstan*,
 Abbud. *Uhtred*. (*Beda*, App. p. 772.)¹

[946 By the grace of God granting it, in the year of Our
 Lord's Incarnation 946, it came to pass after the death of King
Edmund, who had held the reins of government of the Kingdoms
 of the *Anglo-Saxons*, and the *Northumbrians*, *Pagans* and *Britons*,
 in his royal capacity for a space of seven years, that his brother
Eadred, born of the same mother, having been chosen in his
 stead by election of the optimates and by authority from the
 Pope, was in the same year, according to orthodox rites, con-
 secrated King and Ruler over the Kingdoms of the quadruple

Part II.
WESSEX.
Eccles.

rule. And he, when he had been made King, in the town which is called "the King's"—*Kingston*—where the act of consecration was performed, bestowed many gifts on many persons for ever. This act the page *Wulfric* can certainly and with eagerness applaud, for the King honouring him did delight him with his munificent bounty, by granting to him the land of seven households to be enjoyed by him in perpetuity and limited by certain boundaries specified below at Workington, and to be owned with rights great and small, except fortress and bridge and the duty of military service.

Furthermore this possession, in the year 946 of our Lord's Incarnation and in the first term of his temporal career, when he was wielding the sceptres of the crowns of the *Anglo-Saxons* with the *Northumbrians* and of the *Pagans* with the *Britons*, was completed those being witnesses whose names are written hereunder, signing themselves thus:—*Eadred* the King with the Archbishops and other prelates conveyed this land with the sign of victory (the cross). *Oda*, Archbishop.—*Wulfstan*, Archbishop.—*Theodred*, Bishop.—*Ælfheah*, Bishop.—*Wulfgar*, Bishop.—*Koenwald*, Bishop.—*Ælfric*, Bishop.—*Wulfhelm*, Bishop.—*Wulfsige*, Bishop.—*Ælfred*, Bishop.—*Æthelgar*, Bishop.—*Æthelwald*, Bishop.—*Howæl*, Tributary King.—*MARCANT*, *Cadmo*—*Æthelmund*, Duke.—*Ealhhelm*, Ealdorman.—*Æthelstan*, Earl.—*Eadric*, Prince (?)—*Osulf*, High-Reeve.—*Urin* (*Urm*)—*Imorcer*, Earl.—*Grim*—*Coll*, Earl.—*Eadred*, Abbot.—*Wigstan*, Abbot.—*Dunstan*, Abbot.—*Uhtred*. (Smith's Bede, App. p. 772.)]

The signatures of the consenting members of the Witenagemot may be compared with the following extract, by which some obscurities will be removed.

Eadredus Rex *Anglorum* gloriosissimus, rectorque *Northanhumbro- rum*, et *Paganorum* Imperator, *Brittonumque* propugnator. (A.D. 949.) *Odo*—*Wulfstan*—*Theodred*—*Ælfheah*—*Ælfred*—*Ælfred*—*Ælfric*—*Wulfsig*—*Æthelgar*—*Ceonwald*—*Wulfhelm*—*Cynsige*—*Albred*, roborabant conscribendo cum laicis. *HOWÆL*, Rex. *MARCANT*, Regulus. *Ozulf*—*Bebba*—*Ethelmund*—*Ælfhelm*—*Grim*—*Gunner*—*Uhtred*—*Ælfgar*—*Scule*—*Coll*—*Morcær*—*Wulfric*—*Behrtferth*—*Æthelgeard*—*Ælfnoth*—*Elfhea*—*Clate*—*Wigestan*—atque *Ælfsige*—*Dunstan*, Abbas,—et *Oscytel Cyrcweard*. (Mon. III. 37.)¹

[*Eadred* most glorious King of the *English* and Ruler of the **Part II.**
Northumbrians and Emperor of the *Pagans* and Champion of **WESSEX.**
the *Britons*. (A.D. 949.) *Odo*—*Wulfstan*—*Theodred*—*Ælfheah* **Edred.**
—*Ælfred*—*Ælfred*—*Ælfric*—*Wulfsige*—*Æthelgar*—*Coenwald*—
Wulfhelm—*Cynsige*—*Ælbred*—with their signatures confirmed
the same, together with the laity. **HOWEL**, King. **MARCANT**,
Tributary King. *Oswulf*...&c., &c. (as above). (Mon. III. 37.)]

948) The *Northumbrians* break their oath and pledge, and
949) elect *ERIC*, the son of *Harold*, as their king. **Edred**
invades the country, and the *Witan* submit again to
him.

952) **Edred** subdues the kingdom of *Northumbria*, and
953) divides it into *Earldoms*, under his supremacy.

955—Nov. 23. **Edred** dies on *St. Clement's Day*.

Eadwig, eldest son of *Edmund*, succeeds, on the death **Eadwig.**
of *Edred*, his uncle, to the empire of the *Anglo-*
Saxons, or to *Wessex* and *Mercia*, as well as to
Northumbria—consecrated at *Kingston*. **EDGAR**
Atheling, his brother, becomes *Subregulus* of *Mercia*.
(See *Mercia*.)

Post hunc surrexit *Eadwig*, filius videlicet
Edmundi Regis,... parvaque regnandi prudentia
pollens, licet in utraque plebe regum numeros
nominaque suppleret electus.... *Eadwig* cum tem-
pore statuto ab universis *Anglorum* principibus
communi electione ungueretur et consecraretur in
regem, &c. (*Vita Dunstani*, ut supra.)

[After him *Eadwig*, to wit the son of King *Edmund*, arose, a
man endowed with very little knowledge of *King-craft*, though
among both peoples being elected he filled up the gap in the
number and names of the *Kings*... when *Eadwig* at the appointed
time was anointed by all the chief men of the *English* by
universal election and was consecrated to the *Kingship*, &c.
(*Life of Dunstan*, as above.)]

That *Edgar* had the title and rank of "*Regulus*,"
before *Mercia* separated from *Wessex*, appears from
the following charter, which is also important in
shewing how *Edwy* assumed the same style as his
predecessor *Edred*.

Part II.
WESSEX.
 Eadwy.

EADWUI Rex, nutu Dei *Angulsaxna* et *Northan-humbrorum* imperator, *Paganorum* gubernator, *Breotonumque* propugnator.... A.D. 956, et primo anno regiæ dignitatis EADWI, quo sceptrâ rexit regalia.

Oda, Archiepiscopus cum cæteris præsulibus atque optimatibus, quorum vocabula subnotantur, consignat. *Osketel*, summus Pontifex. *Elfsie*, Episcopus. *Wlsie*, Episcopus. *Oswulf*, Episcopus.

AST, Regulus. *EADGAR*, Regulus. *MORGANT*, Regulus.

Eadmund, Dux. *Æthelmund*, Dux. *Ælfhere*, Dux.

Ælfwald, Didascalus. *Dunstan*, Dogmatista. *Kenwald*, Monachus. *Brihtferh*, Minister. *Urm*, Minister. *Gunner*, Minister. (Hem. 334.)¹

[King EADWY by the will of God, Emperor of the *Anglo-Saxons* and *Northumbrians*, governor of the *Pagans*, and champion of the *Britons*...A.D. 956, and in the first year of the royal dignity of EADWY in which he held the royal sceptre.

Oda, Archbishop with the other prelates and optimates whose names are below appended, adds his signature. *Oskytel*, chief Bishop. *Ælfsige*, Bishop. *Wulfsige*, Bishop. *Oswulf*, Bishop.

AST, Tributary King. *EADGAR*, Tributary King. *MORGANT*, Tributary King.

Eadmund, Duke. *Æthelmund*, Duke. *Ælfhere*, Duke.

Ælfwald, Tutor. *Dunstan*, Theologian. *Kenwald*, Monk. *Brihtferht*, Thane. *Urm*, Thane. *Gunner*, Thane. (Heming's Chartulary, p. 334.)]

957 *Northumbrians* and *Mercians* choose EDGAR as their king, who rules all between the Thames and the Firth of Forth. (See Northumbria.) EADWY retains the South.

Anno 957. *Rex Anglorum Edwius*, quoniam in commisso regimine insipienter egit, a *Mercensibus* et *Northymbrensibus* contemptus, relinquitur, et suus germanus, *Clyto Edgarus*, ab eis Rex eligitur, sicque res regum sejuncta est, ut flumen *Tamense* regnum disterneret amborum.

(Flor. Wigorn. Sim. Dunelm.)

[957 *Edwy, King of the English*, because he acted unwisely **Part II.** in the rule entrusted to his charge, was abandoned in contempt **WESSEX.** by the *Mercians* and *Northumbrians* and his brother, the Clito *Eadwig*. *Edgar*, was chosen King by them and the possessions of the Kings were so divided that the river *Thames* should mark the boundary of their several Kingdoms. (Florence of Worcester. Simeon of Durham.)]

Post hunc ita omnium conspiratione relictum, elegere sibi *Eadgarum* ejusdem *Eadwigi* germanum in regem, qui *virga imperiali* injustos juste percuteret, benignos autem sub eadem æquitatis virgula pacifice custodiret, sicque universo populo testante, publica res regum ex *definitione sagacium* sejuncta est, ut famosum flumen *Thamesiæ* regnum disterneret amborum. (Vita Dunstani, p. 354.)

[After he had been thus abandoned by general consent, they elected as their King *Eadgar*, the brother of this same *Eadwig*, to justly punish the unjust with his *imperial rod*, but to peacefully safeguard the kindly disposed under that same rod of equity. Thus with the approval of all the people, the territory of the Kings was divided in accordance with the *partition of the Witan* in such a way that the famous river, the *Thames*, should mark the boundary of their several Kingdoms. (Life of St. Dunstan, p. 354.)]

958} EADWY dies. *Edgar*, King of *Mercia*, his brother, *Edgar*.
959} at the age of sixteen years, succeeds to the government of *Wessex*, *Mercia*, and *Northumbria*, and becomes King over all Britain.

Interea germanus ejusdem *Edgari* quia justa Dei sui judicia deviando dereliquit, novissimum flatum misera morte expiravit, et regnum illius ipse, velut æquus hæres ab *utroque populo* electus, suscepit, divisaque regnorum jura in unum sibi sceptrum subdendo copulavit. (Vita Dunstani, p. 354.)

[Meanwhile the brother of this *Eadgar* drew his last breath in a wretched death, because he had gone out of the way and departed from the just judgments of his God; and he, having been elected by *both peoples* as in equity heir, received his Kingdom and joined into one the divided rule of the two Kingdoms by assuming the authority himself. (Life of St. Dunstan, p. 354.)]

Part II.
WESSEX.
Edgar.

Post paucos electionis suæ dies, præcepit *Edgarus* dyarcha totius regni sui concilium celebrare in quo annihilatis omnibus quæ a fratre ejus iniquis fuerant legibus decreta, &c. (Osbernus in Vita Dunst. c. 7.)

[A few days after his election, *Eadgar*, ruler of half the kingdom, ordered a council of his united realm to be held in which, after annulling all that had been decreed by the unjust laws of his brother, &c. (Osbern, Life of St. Dunstan, c. 7.)]

Rex *Westsaxonum Eadwius* quatuor annis regni sui peractis, defunctus *Wintonie* in novo monasterio est sepultus. Cujus regnum suus germanus Rex *Mercensium Eadgarus* ab omni *Anglorum* populo electus,...suscepit...divisæque regna in unum copulavit. (Sim. Dunelm.)

[*Eadwy*, the King of the *West Saxons*, after completing four years of his reign, died at *Winchester* and was buried in the new monastery. And his brother *Eadgar*, King of the *Mercians*, was elected King by all the people of the *English* and received his Kingdom, and joined into one the divided realms. (Simeon of Durham.)]

964 *Edgar* about this time compels the Danish or Norwegian chieftains of Ireland to acknowledge his supremacy.

Edgar's conquest of Dublin, and the reduction of the isles, are not mentioned by the Chroniclers, and hence, the charter in which he claims these victories, has sometimes been stigmatized as a monkish forgery. But this document, being the instrument by which the married clerks are ejected from the church of Worcester, does not contain any expression which can give rise to suspicion, and its tenor is entirely consistent with history.

Altitonantis Dei largiflua clementia, qui est Rex regum et Dominus dominantium, ego *Edgarus*, *Anglorum* Basileus, omniumque regum insularum oceani, quæ *Britanniam* circumjacent, cunctarumque nationum, quæ infra eam includuntur Imperator et Dominus, gratias ago ipsi Deo Omnipotenti, Regi meo, qui meum imperium sic ampliavit et exaltavit super regnum patrum meorum, qui licet monarchiam totius *Angliæ* adepti sint, a tempore

Aethelstani, qui primus regum *Anglorum* omnes **Part II.**
nationes quæ *Britanniam* incolunt sibi armis **WESSEX.**
subegit; nullus tamen eorum ultra ejus fines **Edgar.**
imperium suum dilatare aggressus est. Mihi autem
concessit propitia Divinitas, cum *Anglorum* imperio,
omnia regna insularum oceani, cum suis ferocissimis
regibus, usque *Norvegiam*, maximamque partem
Hiberniæ, cum sua nobilissima civitate *Dublina*,
Anglorum regno subjugare, quos etiam omnes meis
imperiis colla subdere, Dei favente gratia, coegi....

Facta sunt hæc Anno Dominicæ Incarnationis
964, Indictione viii. Regni vero *EDGARI Anglorum*
Regis sexto, in regia urbe quæ ab incolis *Gleaucestre*
nominatur, in natali Domini festivitate Sanctorum
Innocentium feria quarta.

Ego *EADGAR* Basileus *Anglorum*, et Imperator
regum gentium; cum consensu principum et
Archiepiscoporum meorum hanc munificentiam
signo crucis corrobore.

Ego *Ælfthryth*, Regina, consensi, et signo crucis
confirmavi.

Ego *Dunstan*, Archiepiscopus *Dorobernensis* Ec-
clesiæ Christi, consensi et subscripsi.

Ego *Oscytel*, Archiepiscopus *Eboracensis* Ecclesiæ,
consensi et subscripsi.

Ego *Ælfere*, Dux. Ego *Brihtnoth*, Dux. Ego
Ordgar, Dux. (Concilia, I. 239.)¹

[Through the copious clemency of high-thundering God,
who is King of Kings and Lord of Lords, I, *Edgar*, Basileus
of the *English* and of all the Kings of the isles of the sea,
which lie around *Britain*, and of all the nations which are
included under it Emperor and Lord, do hereby give thanks to
Almighty God, my King, who has so greatly increased my empire
and exalted it above the Kingdom of my fathers, for although
they had obtained the monarchy of the whole of *England*,
from the time of *Athelstan*, who was the first King of the
English to subdue by force of arms all the nations that inhabit
Britain; yet none of them ever made an attempt to extend their
rule beyond its boundaries. The favour of God has however
granted to me in addition to the rule of the *English*, to make
subject to the Kingdom of the *English* all the Kingdoms of the
isles of the sea together with their fierce Kings as far as *Norway*

Part II.
WESSEX.
Edgar.

and the greater part of *Ireland*, including its most noble city of *Dublin*. And all these I have, through the favour of God's grace, forced to submit their necks to my authority....

This was given in the year of Our Lord's Incarnation 964, in the 8th Indiction, and also in the sixth year of the reign of EDGAR, King of the *English*, in the royal city which is called by its inhabitants *Gloucester*, within the festival of the Birth of Our Lord, on the fourth day of the week, being the feast of the Holy Innocents.

I, EDGAR, Basileus of the *English* and Emperor of the Kings of the nations, with the consent of my nobles and Archbishops, do hereby corroborate this gift with the sign of the cross.

I, *Ælfthryth*, Queen, have consented thereto and confirmed with the sign of the cross.

I, *Dunstan*, Archbishop of the Church of Christ at *Canterbury*, have consented thereto and written my signature.

I, *Oscytel*, Archbishop of the Church of *York*, have consented thereto and written my signature.

I, *Ælfere*, Duke. I, *Brihtnoth*, Duke. I, *Ordgar*, Duke. (Wilkins, Councils, I. 239.)]

According to our computation the Indiction for 964 is 7. But Innocents fell on Wednesday in that year, by which the date is fixed.

965 Not long after the country of Northwales was cruelly wasted by the army of *Edgar*, King of England, the occasion of which invasion was the nonpayment of the tribute which the King of *Aberfraw*, by the laws of *Howel Dda*, was obliged to pay to the King of *London*, but at length a peace was concluded upon these conditions, that the Prince of Northwales, instead of money, should pay to the King of England the tribute of three hundred wolves yearly. (Wynne's *Caradoc*.)

970 *Edgar* holds a great Council, attended by *MALCOLM*, a Scottish Subregulus.

As appears from the following Ely charter:—

Ego Rex EDGARUS, Basileus dilectæ insulæ *Albionis*, subditis nobis sceptris *Scottorum*, *Cambrorumque* atque *Britonum*, et omnium circumcirca regionum....

Hoc privilegium hujus donationis et libertatis

scribi fecimus, Anno Incarnationis Domini nostri **Part II.**
Jesu Christi nongentesimo septuagessimo, Indic- **WESSEX.**
tione tertia decima, anno regni mei æque tertio **Edgar.**
decimo, in villa regali, quæ famoso vocabulo a
solicolis *Wlfamere* nominatur, non clam in angulo
sed sub divo palam evidentissime, scientibus totius
regni mei primatibus, quorum quædam nomina hic
infra inseri ad testimonium in posterum man-
davimus.

Ego *Ædgarus* animo benigno hoc largiendo Deo
concessi, et régia sublimitate corroboravi.

Ego *Dunstan*, Archiepiscopus, corroboravi. Ego
Oscytel, Archiepiscopus, corroboravi.

Ego *Æthelwold*, Episc. confirmavi. Ego *Ælfstan*,
Episc. consignavi. Ego *Osulf*, Episc. confirmavi.
Ego *Wulfric*, Episc. adquevi. Ego *Winsige*, Episc.
corroboravi. Ego *Alfwold*, Episc. consolidavi. *Os-*
wold, Episc. adquevi. Ego *Byrthelm*, Episc. con-
firmavi. Ego *Eadelm*, Episc. consignavi. Ego *Ælric*,
Episc. consolidavi. Ego *Wlsige*, Episc. corroboravi.

Ælfthryth, Regina.

Ælfric, Abbas. *Æscwig*, Abbas. *Osgar*, Abbas.
Ælstan, Abbas. *Æthelgar*, Abbas. *Cyneheard*,
Abbas. *Thurcytel*, Abbas. *Ealdred*, Abbas. *Ord-*
briht, Abbas. *Siferth*, Abbas. *Martin*, Abbas.

Æthelstan, Dux. *Ælfhere*, Dux. *Ælfeah*, Dux.
Ordgar, Dux. *Æthelwine*, Dux. *Oslac*, Dux. **MAL-**
COLM, Dux. *Brihtnoth*, Dux. *Eadulf*, Dux.

Bridferth, Miles. *Ælfwine*, Miles. *Æthelweard*,
Miles. *Oslac*, Miles. *Frena*, Miles. *Siferth*, Miles.
Leofric, Miles. *Edric*, Miles. *Wlfnoth*, Miles.
Ælsige, Miles. *Ulfcytel*, Miles. *Hroold*, Miles.
Thurstan, Miles. *Osgod*, Miles. *Gota*, Miles.
Frithegist, Miles. *Thurferth*, Miles. *Thurgod*,
Miles. *Osferth*, Miles. *Oscytel*, Miles. *Siferth*,
Miles. *Thurcytel*, Miles. *Forne*, Miles. *Cnut*,
Miles. *Thurstan*, Miles. *Thurcytel*, Miles.

(Hist. Eliensis, p. 517.)¹

[I, King **EDGAR**, Basileus of the beloved island of *Albion*,
after having subjected to our rule the Kingdoms of the *Scots*,
Cambrians and *Britons* and all the regions round about....

We have caused this privilege of this gift and franchise to be

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WESSEX.
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written in the year 970 of the Incarnation of our Lord, Jesus Christ, in the 13th Indiction, also the 13th year of my reign, in the royal town, which is called by its inhabitants by the well-known name of *Walmer* (Kent), not clandestinely in a corner, but openly and most clearly beneath the sky, with the knowledge of all the nobles of my realm, some of whose names we have ordered to be inserted here below as a witness for future times.

I, *Eadgar*, by bestowing this gift out of good-will have granted it to God and with royal dignity have corroborated it.

I, *Dunstan*, Archbishop, have corroborated. I, *Oscytel*, Archbishop, have corroborated.

I, *Æthelwold*, Bishop, have confirmed. I, *Ælfstan*, Bishop, have signed. I, *Osulf*, Bishop, have confirmed. I, *Wulfric*, Bishop, have agreed thereto. I, *Winsige*, Bishop, have corroborated. I, *Ælfwold*, Bishop, have confirmed. I, *Oswold*, Bishop, have agreed thereto. I, *Byrthelm*, Bishop, have confirmed. I, *Eadelm*, Bishop, have signed. I, *Ælric*, Bishop, have confirmed. I, *Wulfsige*, Bishop, have corroborated.

Ælfthryth, Queen.

Ælfric, Abbot. *Æscwig*, Abbot. *Osgar*, Abbot. *Ælstan*, Abbot. *Æthelgar*, Abbot. *Cyneweard*, Abbot. *Thurcytel*, Abbot. *Ealdred*, Abbot. *Ordbricht*, Abbot. *Siferth*, Abbot. *Martin*, Abbot.

Æthelstan, Duke. *Ælfhere*, Duke. *Ælfeah*, Duke. *Ordgar*, Duke. *Æthelwine*, Duke. *Oslac*, Duke. *MALCOLM*, Duke. *Brihtnoth*, Duke. *Eadulf*, Duke.

Bridferth, Knight. *Ælfwine*, Knight. *Æthelweard*, Knight. *Oslac*, Knight. *Frena*, Knight. *Siferth*, Knight. *Leofric*, Knight. *Edric*, Knight. *Wulfnoth*, Knight. *Ælsige*, Knight, &c., &c. (Hist. of Ely, p. 517.)]

971 A great Council or Witenagemot held at London—attended by *KENNETH*, King of *Albania*, or of the *Scots*, and *MACCUS*, King of *Man*, or of the *Isles*.

The charter which proves this council has been suspected, on account of the insertion of the name of *Oswald*, as Archbishop of *York*, though, according to the usual computation, he did not hold the see till the following year. But the repeated instances of these irregularities are quite sufficient to overthrow any such grounds of distrust.

Ego EDGAR, divina disposizione Rex *Anglorum*, **Part II.**
 ceterarumque gencium in circuitu persistencium **WESSEX.**
 gubernator et rector....Acta est hec privilegii Edgar.
 pagina, et confirmata apud *Londoniam*, communi
 consilio omnium primatum meorum, anno ab
 Incarnacione Domini nostri Jesu Christi *non-*
gentesimo septimo primo, indictione quarta decima.
 Hujus doni constipulatores fuerunt, quorum nomina
 inferius carexari videntur. Ego EDGAR, Rex tocius
Britannie, prefatam libertatem cum sigillo sanctæ
 crucis confirmavi. Ego *Eilfgiva*, ejusdem regis
 mater, cum gaudio consensi. Ego *Edward*, clito,
 patris mei donum cum triumpho sanctæ crucis
 impressi. Ego KINADIUS Rex *ALBANIE* adquevi.
 Ego MASCUSIUS, Archipirata, confortavi.

Ego *Dunstanus*, *Dorobernensis* Ecclesiæ Archi-
 episcopus, cum tropheo sanctæ crucis et cum
 suffraganeis presulibus regis donum corroboravi.
 Ego *Oswald*, *Eboracensis* Ecclesiæ Primas, con-
 senciens subscripsi. Ego *Ethelwold*, *Wintoniensis*
 Ecclesiæ Minister et *Glastoniæ* monachus, signum
 sanctæ crucis impressi. Ego *Brithelm*, *Fontanensis*
 Episcopus, consenciens corroboravi. Ego *Elstan*,
 Episcopus, confirmavi. Ego *Oswold*, Episcopus,
 concessi. Ego *Elfworld*, Episcopus, concessi. Ego
Winsige, Episcopus, cum signo sanctæ crucis con-
 clusi. Ego *Sigegar*, Abbas, confirmavi, vexillum
 sanctæ crucis impressi. Ego *Ordgar*, Abbas, corro-
 boravi. Ego *Ethelgar*, Abbas, consensi. Ego *Kine-*
wold, Abbas, consensi. Ego *Sideman*, Abbas,
 consolidavi. Ego *Elfheh*, Abbas, subscripsi. Ego
Athulf, *Herefordensis* Ecclesiæ catascopus, corro-
 boravi.

Ego *Elfhere*, Dux, dominæ meæ Sanctæ *Mariæ*
Glastoniensis Ecclesiæ libertatem omni devocione
 cum sigillo sanctæ crucis confirmavi. Ego *Oslac*,
 Dux, concessi. Ego *Ethelwine*, Dux, hoc donum
 triumphale agie crucis proprie manus depictione
 impressi. Ego *Oswald*, Minister, confirmavi. Ego
Elfward, Minister, corroboravi. Ego *Ethelsie*, Minis-
 ter, consensi. Ego *Elfsie*, Minister, consensi. Hanc
 privilegii paginam Rex EDGARUS, duodecimo anno

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regni sui, sacro scripto apud *Londoniam* communi consilio optimatum suorum confirmavit.

(Mon. I. 27.)¹

[I, EDGAR, by divine dispensation King of the *English*, and governor and ruler of the other peoples existing in the circuit....This script of privilege was done and confirmed at *London*, with the common counsel of all my primates in the year 971 from the birth of Our Lord Jesus Christ and in the 14th indiction. The co-signatories of this gift were those whose names appear written below. I, EDGAR, King of all *Britain*, have confirmed the above-mentioned liberty with the sign of the Holy Cross. I, *Ælfgifu*, the mother of the said King, have joyfully consented thereto. I, *Edward*, prince, have impressed the gift of my father with the triumph of the Holy Cross. I, *KINADIUS*, King of *ALBAN*, have consented thereto. I, *MASCUSIUS*, arch-pirate, have strengthened it.

I, *Dunstan*, Archbishop of the Church of *Canterbury*, with the trophy of the holy cross and along with the suffragan bishops, have corroborated the King's gift. I, *Oswald*, Primate of the Church of *York*, have subscribed my consent thereto. I, *Æthelwold*, Minister of the Church of *Winchester* and monk of *Glastonbury*, have impressed thereon the sign of the Holy Cross. I, *Brihtelm*, Bishop of *Wells*, have consented and corroborated. I, *Ælfstan*, Bishop, have confirmed it. I, *Oswold*, Bishop, have granted my consent. I, *Ælfwold*, Bishop, have granted my consent. I, *Winsige*, Bishop, have affixed the sign of the Holy Cross at the end. I, *Sigegar*, Abbot, have confirmed it and have impressed the seal of the Holy Cross. I, *Ordgar*, Abbot, have corroborated. I, *Æthelgar*, Abbot, have consented. I, *Kinewold*, Abbot, have consented. I, *Sideman*, Abbot, have confirmed it. I, *Ælfheh*, Abbot, have added my signature. I, *Athulf*, Inspector (i.e. Archdeacon) of the Church of *Hereford*, have corroborated.

I, *Ælfhere*, Duke, in all devotion have confirmed with the sign of the Holy Cross the liberty of the Church of *Glastonbury* of my Lady *St. Mary*. I, *Oslac*, Duke, have granted my consent. I, *Æthelwine*, Duke, have impressed this triumphal gift of the Holy Cross with my own hand. I, *Oswald*, Minister, have confirmed it. I, *Ælfward*, Minister, have corroborated. I, *Æthelsige*, Minister, have consented. I, *Ælfsige*, Minister, have granted my consent. This writing of privilege King EDGAR, in the 12th year of his reign, confirmed with the holy script at

London with the common counsel of his nobles. (Mon. Part II.
I. 27.)) WESSEX.

971 Rex *Eadgarus* barones *Northumbrenses* in *Edgar*, consilium convocans apud *Eboracum*, capitula multa ad regni negotia spectantia bene ordinavit. Inter quæ etiam *Osulfi* comitatum, quem avunculus ejus *Edredus* toti *Northumbricæ* sub nomine comitis præfecerat, in duos divisit comitatus. Ipso *Osulfo* jam mortuo, noluit sub nomine hæreditatis Rex eam partem terræ alicui provenire soli, ne ad antiquam libertatem aspirantes * * *Northumbricæ*, hoc est, ab *Humbria* usque ad *Theisam*, *Oslach*, et comitis gladio eum cinxit. A *Theisa* vero usque ad *Mireforth* sub nomine etiam comitatûs, partem videlicet maritimam *Deiræ* dedit *Eadulf* cognomento *Ewelchild*. Sicque duo regna ad duos comitatus devenerunt, permanseruntque omni tempore regum *Anglorum* sub ditione et donatione eorundem. *Louthion* vero semper patuit excursibus *Scotorum* et *Pictorum*, et idcirco parum curæ fuit regibus hæc pars terræ. Porro Rex *Scotorum* *Kineth*, audiens ex fama et commendatione duorum comitum *Oslach* et *Eadulf*, et Episcopi *Dunelmi*, *Elfsi*, *Eadgari* regis magnificentiam, desiderio videndi petivit conductum veniendi *Londoniam*, ut cum eodem colloqueretur, et impetravit: conduxeruntque eum ex præcepto regis duo comites prædicti et episcopus. Venit *Londonias* *Kineth* Rex *Scotorum*, ubi a rege *Eadgaro* honorifice susceptus est, et honori habitus; cumque amice familiariter et jocunde colloquerentur; suggessit Rex *Kineth* regi *Eadgaro* *Louthion* ad suum jus debere pertinere, et hæreditarie a regibus *Scotorum* possideri. Rex nolens aliquid abrupte facere, ne post factum poeniteret, regis *Kineth* causam curiæ suæ intimavit. Procures vero qui a progenitoribus erant eruditi, nisi sub nomine homagii regi *Anglorum* a rege *Scotorum* inpensi * * et præcipue quia ad tuendum terram illam difficilis est accessus, et parum proficua ejus dominatio, * * assensit autem

** Corrupted or mutilated passages.

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assertioni huic *Kineth*, et sub nomine homagii eam petiit et accepit, fecitque regi *Eadgaro* homagium sub cautione multa promittens, quod populo partis illius antiquas consuetudines non negaret, et sub nomine et lingua *Anglicana* permanerent. Quod usque hodie firmum manet. Sicque determinata est vetus querela de *Louthion*, et adhuc nova sæpe intentatur. Subjectus est ergo *Eadgaro* Rex prædictus, prædicta causa, sed et Rex *Cumbrorum Malcolm*, et *Oriccus* [*Maccus*] plurimarum Rex insularum, et *Orcadum* diversi reges. Qui omnes *Eadgaro* homagii nomine tenebantur.

(Wallingford, p. 545.)

[971 King *Edgar*, summoning the Barons of *Northumbria* to council at *York*, did decree many ordinances relating to the business of his Kingdom. Among these was his division of the Earldom of *Osulf*, which his uncle *Edred* had enjoyed under the title of Earl of the whole of *Northumbria*, into two Earldoms. But now when *Osulf* was dead, the King did not wish that that part of the land should accrue to any single person under the title of hereditary land, lest those who laid claim to the ancient liberty...*Northumbria*, that is from the *Humber* to the *Tees*,... *Oslach* and girded him with the sword of an Earl. However he gave *Eadwulf*, surnamed *Yfelcild*, a portion of land stretching from the *Tees* as far as *Mireforth*, to wit the littoral of *Deira*, also under the title of an Earldom. In this way two kingdoms turned into two Earldoms and remained for ever under the rule and gift of these same Kings of *England*. *Lothian*, indeed, was always exposed to the raids of the *Scots* and *Picts*, and on that account this portion of their lands was little cared for by the Kings. Furthermore, *Kenneth*, the King of the *Scots*, hearing of the magnificence of King *Edgar* from the reports and praises of the two Earls, *Oslach* and *Eadwulf*, and also of *Elfsi*, Bishop of *Durham*, in his desire to see him asked for and obtained safe-conduct to *London*, so that he might confer with him. In accordance with the King's command the two aforesaid Earls and the Bishop conducted him thither. *Kenneth*, King of the *Scots*, came to *London*, where he was honourably received by King *Edgar* and held in great honour; and when they had talked together in a friendly, familiar and merry fashion, King *Kenneth* suggested to King *Edgar* that *Lothian* rightfully belonged to his jurisdiction, and was a hereditary possession of the Kings

of *Scotland*. The King who did not wish to do anything rashly lest he should repent of his actions later, introduced the plea of **Part II.**
King Kenneth to his Court. The nobles indeed, who had been taught by their fathers that a King of *Scotland* had not been in the habit of making any return (read *impendi solere*) to an *English* King save under the title of homage, and especially because access to that country is difficult for the purpose of guarding it and the lordship of it was of very little benefit...; *Kenneth* on his part asserted his assent thereto and asked for it and obtained it under the title of homage and did his homage to King *Edgar*, making many promises and giving security that he would not refuse to the people of that part their ancient customs and that they should remain *English* in name and tongue. And thus it remains fixed unto this day. In this way was the old quarrel concerning *Lothian* brought to a conclusion; up to this date several new quarrels have been attempted. The above-mentioned King was therefore subject to King *Edgar* for the reason mentioned above; and so were also *Malcolm*, King of the *Cumbrians* and *Maccus*, King of the multitude of isles and the several Kings of the *Orkneys*. All these were held under the title of homage to *Edgar*. (John of Wallingford, p. 545.)

973—May 11. *Edgar* consecrated at Bath, or “Ake-man-ceastre,” in the thirteenth year of his reign.

974 Celebrates his triumph on the Dee—receives the homage of the Kings of the Scots, the *Cumbrians*, the Northmen, the Gallovegians, and the Britons.

This act was probably only a renewal of their homage, for the following charter, which testifies their attendance at his court, must have been executed before 971, in which year *Oscytel*, Archbishop of York, died.

In nomine sanctæ et individuae Trinitatis. Ego *Edgarus* Rex et *Basileus* totius *Angliæ* divino instinctus admonitu, et sanctæ *Dorobernensis* Ecclesiæ antistitis *Dunstani* precibus sæpius exhortatus, reddo et concedo sanctæ *Dorobernensi* ecclesiæ et monachis ibi Deo serventibus, in pura elemosina, portum et villam de *Sandwich*, eisdem monachis olim ablatam, cum omnibus libertatibus et consuetudinibus regiis ad *Sandwich* pertinentibus quæ

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ego aliquando habui, ex utraque parte aquæ, cujuscunque terra hinc vel inde fuerit. Confirmo eis omnes mansiones quas habent in villa de *Sandwich* quæ eis collatæ sunt in pura elemosina a fidelibus. Unde volo ut nullus ibidem habeat aliquod jus nisi tantum monachi nostri de *Dorobernia*. Quicunque hanc meam largifluam munificentiam interrumpere aut violare præsumperit, indignationem domini nostri et sanctæ Mariæ et sanctorum omnium qui in *Dorobernensi* ecclesia requiescunt, sentiant, nisi ante mortem emendati fuerint.

Ego EDGARUS, Rex totius *Angliæ*, huic codicillo meo signum sanctæ crucis propria manu apposui.

Ego KINATH, Rex SCOTORUM, subscripsi.

Ego MACCUS, Rex insularum, vidi.

Ego Dunstan, *Dorobernensis* Archiepiscopus, subscripsi.

Ego Ethelwoldus, *Wintoniensis* Antistes, consensi.

Ego MALCOLM, Rex *Cumbrorum*, subscripsi.

Ego DUFNAL, vidi.

Ego Oskitellus *Ebor'* Archiepiscopus, subscripsi.

Ego Oswaldus, *Wigornie* Episcopus, consensi.

Ego Kineuuardus, Abbas, subscripsi.

Ego JACOBUS, Subregulus, signum posui.

Ego IUKIL, Subregulus, subscripsi.

Ego SIFERD, Subregulus, signum crucis apposui in festo Pentecostes in civitate *Achamanni*.

(Bib. Cott. Augustus II 67.)¹

[In the name of the Holy and Undivided Trinity. I, *Edgar*, King and *Basileus* of the whole of *England*, moved by the admonition of Heaven, and often exhorted thereto by the prayers of *Dunstan*, the Bishop of the Holy Church of *Canterbury*, do restore and grant to the Holy Church of *Canterbury* and to the Monks that serve God in that place, in pure alms, the harbour and township of *Sandwich*, which had in times past been taken from these same monks, together with all the liberties and royal customs which appertain to *Sandwich*, all of which I sometimes held, on both sides of the water, to whomsoever the land may belong on this side or that. I confirm to them all the mansions which they hold in the township of *Sandwich*, which have been bestowed on them in pure alms by the faithful.

Wherefore it is my will that no one should there have any right **Part II.**
save only our monks of *Canterbury*. Whosoever shall presume **WESSEX.**
to break or violate this my copious munificence, may they feel **Eugar.**
the anger of Our Lord and Saint Mary and of all the saints
who repose in the Church at *Canterbury*, unless they expiate
their fault before death.

I, *EDGAR*, King of the whole of *England*, have added to
this my charter, with my own hand, the sign of the Holy Cross.

I, *KENNETH*, King of the Scots, have signed.

I, *MACCUS*, King of the Islands, have seen it.

I, *Dunstan*, Archbishop of *Canterbury*, have appended my
signature.

I, *Æthelwold*, Bishop of *Winchester*, have given my consent.

I, *MALCOLM*, King of the *Cumbrians*, have appended my
signature.

I, *DUFNAL*, have seen it.

I, *Oskitell*, Archbishop of *York*, have signed.

I, *Oswald*, Bishop of *Worcester*, have consented thereto.

I, *Kineward*, Abbot, have signed.

I, *JAMES*, Vassal-prince, have placed my sign.

I, *JUKIL*, Vassal-prince, have signed.

I, *SIFERTH*, Vassal-prince, have placed thereto the sign
of the Cross on the Feast of Pentecost in the town of *Bath*.
(Cotton Charter, Augustus II 67.)]

Multarum linguarum gentes unius fœdere legis
conjunxit. (Ethel. Rievall. p. 359.)

[He united peoples of many tongues in the bond of one law.
(Ailred of Rievaulx, Genealogy of the Kings, p. 359.)]

973 Rex *Anglorum* pacificus *Eadgarus*, ætatis
suæ anno 30, Indict. prima, quinto Idus Maii, die
Pentecostes, a beatis præsulibus *Dunstano* et
Oswaldo, et a cæteris totius *Angliæ* antistibus, in
civitate *Acamanni* benedicitur, et cum maximo
honore et gloria consecratur, et in Regem ungitur.
Interjecto deinde tempore, ille cum ingenti classe
septentrionali *Britannia* circumnavigata, ad *Legio-*
num civitatem appulit. Cui subreguli ejus octo,
Kynathus scilicet Rex *Scotorum*, *Malcolmus* Rex
Cumbrorum, *Maccus* plurimarum Rex insularum,
et alii quinque, *Duffnallus*, *Siferthus*, *Huwallus*,
Jacobus, *Iuchillus* (vel *Ulkillus*), ut mandaverat
occurrerunt, et quod sibi fideles et terra et mari

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cooperatores esse vellent, juraverunt. Cum quibus, die quadam, scapham ascendit, illisque ad remos locatis, ipse clavum gubernaculi arripiens, eam per cursum fluminis *Deæ* perite gubernavit, omnique turba Ducum et procerum simili navigio comitante, a palatio ad monasterium Sancti Johannis Baptistæ navigavit. Ubi facta oratione, eadem pompa ad palatium remeavit. Quod dum intraret, optimatibus fertur dixisse, tunc demum quemque suorum successorum se gloriari posse regem *Anglorum* fore, cum tot regibus sibi subsequen- tibus potiretur pompa talium honorum.

(Flor. Wigorn. Mailros. See also Ethelwerd, as quoted above p. 292.)

[973 The King of the *English*, *Edgar* the Peaceful, in the 30th year of his age, in the first Indiction, on Whitsunday, the 11th day of May, was blessed by the blessed prelates *Dunstan* and *Oswald* and the other bishops of all *England* in the town of *Bath* and was consecrated with much honour and glory and anointed King. Thereupon after an interval, he came to the town of *Chester*, having sailed round the North of *Britain* with a large fleet. Eight vassal Kings came to meet him, as he had commanded, to wit, *Kenneth*, King of the *Scots*, *Malcolm*, King of the *Cumbrians*, *Maccus*, King of the multitude of isles and five others, *Duffnall*, *Siferth*, *Huwall*, *James*, *Jukill* (or *Ukkill*), and they took an oath that they were willing to be faithful to him and to aid him on land and sea. On a certain day, he embarked with them on a boat, and placing them at the oars while he himself took hold of the handle of the rudder, he steered it with skill along the course of the river *Dee*, and with the whole crowd of Dukes and nobles accompanying them in a similar boat, he sailed from the palace to the Monastery of St. John the Baptist. And when he had made a speech there, he was rowed back with the same state to the palace. When he was entering the palace, it is reported that he said to his nobles that from that day each of his successors would be able to pride himself on being King of *England* since he himself had enjoyed the dignity of such state, with so many Kings following in his train. (Florence of Worcester. Chronicle of Melrose. See also Ethelwerd's Chronicle.)]

973 Soon afterwards the King led all his ship force to Chester, and six kings came to meet him,

and covenanted that they would be his “efen- Part II.
wyrhtan” by sea and by land. (Sax. Chron.) WESSEX.

Anno gratiæ 973, Rex *Anglorum Eadgarus* Egar.
pacificus, anno ætatis suæ trigesimo die Pentecostes,
præsentibus præsulibus *Dunstano* et *Oswaldo*, cæter-
isque totius *Angliæ* pontificibus, ac magnatibus
universis, apud *Akemanecestre*, quæ latine *Bathonia*
dicitur, coronam portavit, et ibidem cum gloria et
honore regaliter consecratur, datis singulis donariis
consuetis, quæ in coronationibus dari magnatibus
consuescunt.

974 Rex pacificus *Eadgarus*, ad urbem *Legionum*
veniens, ab octo subregulis suis, *Kinedo* scilicet rege
Scotorum, *Malcolmo Cumborum*, *Macone* rege *Monæ*
et plurimarum insularum, *Dufnal* rege *Demetiæ*,
Sifertho et *Howel* regibus *Walliæ*, *Jacobo* rege
Galwalliæ, et *Iukil*, *Westimariæ*, juramentum fide-
litatis accepit. Et in crastino cum illis navem
ascendens, subregulis ad remos locatis, ipse guber-
naculum arripuit, naviculamque per cursum fluminis
perite dirigens, multis admirantibus, simili navigio
sequentibus magnatibus universis, a palatio usque
ad monasterium Sancti Johannis Baptistæ navigavit,
ubi divinis expletis ministeriis, eadem pompa ad
palatium remeavit, quod dum intraret, optimatibus
dixisse fertur, tunc demum quemque suorum
successorum se posse gloriari regem fore *Anglorum*,
cum tot regibus sibi obsequentibus, talium pompa
potiretur honorum. (Flores Hist.)

[In the year of Grace 973, the King of the *English*, *Edgar*
the Peaceful, in the 30th year of his age, on Whitsunday, in the
presence of *Dunstan* and *Oswald*, the Archbishops, and the other
bishops of the whole of *England*, and all the magnates, wore
the crown at *Akemanceaster*, which in Latin is called *Bathonia*,
and there he was consecrated king with glory and honour, when
he had given to each the usual gifts, that were wont to be given
to the magnates at coronations.

974 The peaceful King *Edgar* coming to the town of *Chester*,
received the oath of fidelity from eight of his vassal kings, to
wit, *Kenneth*, King of the *Scots*, *Malcolm* of the *Cumbrians*,
Macon, King of *Mona* and of the many isles, *Dufnal*, King of
Demetia, *Siferth* and *Howel*, Kings of *Wales*, *James*, King of

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Galloway, and *Iukil*, King of *Westmoreland*. And on the morrow embarking with them on a ship and placing the vassal kings at the oars, he himself took hold of the rudder, and skilfully steering the boat along the course of the river, to the admiration of many, while all the magnates followed in a similar vessel, he sailed from the palace as far as the monastery of St. John the Baptist; and when the divine mysteries were all accomplished, he rowed back with the same state to the palace, and while he was entering it, it is reported that he said to his nobles that from that day each of his successors would be able to pride himself on being King of the *English*, since he himself had enjoyed the dignity of such state, with so many Kings following in his train. (Flowers of the Histories.)]

Regem Scottorum, Kinadium, Cumbrorum Malcolmum, Archipiratam Maccusium, omnesque reges Wallensium, quorum nomina fuerunt, Dufnal, Sifreth, Huval, Jacob, Judethil, ad curiam coactos, uno et perpetuo sacramento sibi obligavit. Adeo ut apud civitatem Legionem sibi occurrentes in pompam triumphi, per fluvium Dee illos deduceret. Una enim navi impositos ipse ad proram sedens remigare cogebat per hoc ostentans regalem magnificentiam, qui subjectam haberet tot regum potentiam. Denique fertur dixisse tunc demum posse successores suos gloriari se reges Anglorum esse, cum tanta prerogativa honorum fruerentur.
 (Will. Malm. de Gestis Regum, ii. 8.)

[He bound to himself by the same abiding oath, the King of the *Scots*, *Kenneth*, *Malcolm*, King of the *Cumbrians*, *Maccus*, the Arch-Pirate; and all the Kings of the *Welsh*, whose names were, *Dufnal*, *Sifreth*, *Huval*, *Jacob*, *Judethil*, after they had been summoned to his court. To such an extent were they subject to him, that when they met him at the city of *Chester* he led them in triumphal procession down the river *Dee*. Sitting himself by the prow in a boat, on which he had caused them to embark, he compelled them to row, in this way shewing his royal splendour, in having the might of so many Kings subject to him. Finally it is reported that he said that hereafter his successors could pride themselves on being Kings of the *English*, seeing that they enjoyed so great a prerogative of honours. (William of Malmesbury, Acts of the Kings, ii. 8.)]

Edgarus Rex tertio decimo anno regni sui **Part II.**
 sacratus est in die Pentecostes, apud *Bathun*; **WESSEX.**
 inde vero post Pentecostem duxit exercitum suum *Edgar.*
 ad *Legecestre* ubi venerunt contra eum sex reges,
 qui omnes ditione ejus subjecti sunt: et omnes
 illi domino debitam dederunt fidem se terra et
 mari servituros ei ad ejus imperium.

Edgarus pacificus, Rex magnificus, *Salomon*
 secundus, cujus tempore nunquam exercitus ad-
 venarum venit in *Angliam*, cujus dominio reges
 et principes *Angliæ* sunt subjecti, cujus potentia
Scotti etiam colla dedere; cum regnasset sedecim
 annis et duobus mensis feliciter vivens feliciter obiit.
 (Hen. Hunt.)

[King *Edgar* in the 13th year of his reign was consecrated
 on the day of Pentecost at *Bath*; thence, after Pentecost, he
 led his army to *Chester* where six Kings came to meet him who
 were all subject to his rule; and they all gave him, their lord,
 their dutiful assurance that they would serve him on land and
 sea according to his command.]

Edgar the peaceful, a King magnifical, a second *Solomon*, in
 whose time no army of foreign invaders ever came into *England*,
 to whose lordship the Kings and princes of *England* were
 subject, to whose power even the *Scots* bowed their necks, after
 reigning for sixteen years and two months, died as happily as
 he had lived. (Henry of Huntingdon.)]

Tanta enim in verbis, in vultu, in moribus,
 interioris suavitatis indicia præferebat, ut Deo
 co-operante, tota ei insula, sine sanguine manus
 daret, et ad subdendum se ei *Scotia*, *Cumbria*,
Wallia, libens accurrerit.

(Ethel. Rievall. de Gen. Regum, p. 359.)

[In speech, looks and bearing he exhibited such marks of a
 kindly disposition that with God's help, the whole island sub-
 mitted to him without bloodshed; and *Scotland*, *Cumbria*,
Wales gladly ran to submit to him. (Ailred of Rievaulx,
 Genealogy of the Kings, p. 359.)]

975 Eodem quoque tempore *Ælfsius* Episcopus,
 et Comes *Eadulfus Kinedum* regem *Scotorum*, ad
 regem *Eadgarum* conduxerunt. Quem cum per-
 duxissent ad regem, multa donaria a regia largitate

Part II.
WESSEX.
Edgar.

suscepit, inter quæ contulit ei centum uncias auri purissimi, cum multis sericis ornamentis, et annulis cum lapidibus preciosis. Dedit præterea eidem regi, terram totam, quæ *Laudian* patria lingua nuncupatur, hac conditione, ut annis singulis in festivitatis præcipuis, quando Rex et ejus successores diadema portarent, venirent ad curiam, et cum cæteris regni principibus festum cum lætitia celebrarent. Dedit insuper ei Rex mansiones in itinere plurimas, ut ipse et ejus successores ad festum venientes, ac denuo revertentes, hospitari valuissent, quæ usque in tempora regis *Henrici* secundi in potestate regum *Scotiæ* remanserunt. (Flores Hist.)

[775 At this time also *Ælfsige*, the Bishop, and Earl *Eadulf* escorted *Kenneth*, the King of the *Scots*, to King *Edgar*. And when they had brought him to the King, he received many gifts of the royal bounty, and among these the King bestowed on him one hundred ounces of purest gold, with many silken ornaments and rings with precious stones. Furthermore, he gave to this same King the whole of the land which is called in the native tongue *Lothian*, on this condition, that every year at the chief festivals, when the King and his successors were wearing the diadem, they should come to court and with the other chiefs of the kingdom celebrate the festival with joy. In addition the King gave him very many houses on the way, so that he and his successors, when coming to the festival and returning again, might receive hospitality—privileges which remained in the power of the Kings of *Scotland* up to the time of King *Henry* the Second. (Flowers of the Histories.)]

Successit *Culeno Kenedus* secundus, *Malcolmi* filius, frater Regis *Duffi*, vir fortis et prudens... eo quoque statim coronato, *Malcolmum* filium *Duffi* successione proximum si vixisset, in regulum *Cumbriæ* libenter *Eadgarus* recepit, sub sacramento fidelitatis consueto. (Scotichron. iv. 30.)

[*Kenneth* the Second, son of *Malcolm*, brother of King *Duff*, succeeded *Culen*; a man strong and wise.....; immediately after his coronation, *Edgar* gladly accepted *Malcolm*, son of *Duff* (the next in the succession should he live), as vassal King of *Cumbria*, under the accustomed oath of fidelity. (Fordun, iv. 30.)]

Ipsius *Kenedi*, circa vicesimum annum, postquam **Part II.**
 successionis statuta firmasset, defuncto *Malcolmo* **WESSEX.**
 filio *Duffi Cambriæ* Regulo, filium suum *Malcolmum* **Edgar.**
 ejusdem dominii regulum efficere volens, *Anglorum*
Ethelredo Regi misit, a quo sub præactis, ut supra,
 fidelitatis et hominii conditionibus, sponte susceptus
 est. (Scotichron. iv. 36.)

[About the 20th year of *Kenneth* himself, after he had
 established the statutes of succession, on the death of *Malcolm*,
 son of *Duff*, vassal king of *Cumbria*, wishing to make his son
Malcolm vassal king of the same principality, he sent him
 to *Ethelred*, King of the *English*, by whom he was willingly
 received, under the conditions previously referred to, as above,
 to wit fidelity and homage. (Fordun, iv. 36.)]

Ante parum et his diebus, *Anglici Danis* tributa
 pro pace dederunt, primo decem millia, deinde
 sexdecim, mox viginti quatuor, et ultimo triginta
 millia librarum. Unde Rex *Ethelredus* Regulo
Cumbriæ supradicto *Malcolmo* scribens, per nun-
 cium mandavit, quod suos *Cumbrenses* tributa
 solvere cogeret, sicut ceteri faciunt comprovinciales.
 Quod ille protinus contradicens rescripsit, suos aliud
 nullatenus debere vectigal, præterquam ad edictum
 regium, quandocumque sibi placuerit, cum ceteris
 semper fore paratos ad bellandum: nam pulchrius
 esse dicebat ac multo præstantius, viriliter, gladio
 quam auro, defendere libertatem. Hac causa
 quidem, et sicut Rex in ira motus asseruit, et eo
 quod regulus, contra sacramentum sibi debitum,
Danis favebat, maximam ex *Cumbria* prædam
 arripuit. Postea tamen concordēs per omnia statim
 effecti, pace firma de cetero convenerunt.

(Scotichron. iv. 38.)

[A short while before and in these days the *English* gave
 the *Danes* tribute for the preservation of peace, at first ten
 thousand, then sixteen thousand, soon afterwards twenty-four
 thousand and finally thirty thousand pounds. Whereupon King
Ethelred, writing to *Malcolm*, the above-mentioned Kinglet of
Cumbria, ordered him by a message to compel his *Cumbrians*
 to pay their tribute, just as the rest of their fellow-provincials
 were doing. But he wrote back forthwith protesting that his

Part II.
WESSEX.
Ædgar.

subjects owed no other tribute than that, in accordance with the King's edict whenever it should be his good pleasure, they would always be ready to go to war with the rest; for he said that it was more beautiful and much more excellent to defend their liberty with the sword than with gold. For this reason and also because the vassal King, as the King, moved to anger, asserted, shewed favour to the *Danes* in contravention of his bounden oath, he seized much plunder from *Cumbria*. However at a later date when they had at once come to an agreement on all points, they were at one henceforth in steadfast amity. (Fordun, iv. 38.)]

Danis atque Northumbris, qui tunc velut una gens coierant, Cumbriam vastantibus, adventus eorum aliquando per nepotem Duncanum Rex prævisus occurrens, magnam exercitus partem misere cæde prostravit. Dederat enim ei Cumbriam antea, Regis Ethelredi consensu nondum obtento, quia transitus ad regem per regnum securus non erat, tum ob metum Danorum....tum ob indigenarum prodicionem. (Scotichron. iv. 44.)

[When the *Danes* and *Northumbrians*, who at that time had united, as it were, into one tribe, were devastating *Cumbria*, the King having received warning of their arrival by means of his nephew *Duncan*, went to meet them and overwhelmed and miserably slaughtered a large part of their army. For he had given *Cumbria* to him previously without obtaining the consent of King *Ethelred*, because the journey across the kingdom to the King was fraught with danger, at one time because of fear of the *Danes*..., at another on account of the treachery of the inhabitants. (Fordun, iv. 44.)]

"It is my pleasure," *Edgar* declares, (Wilkins, p. 80), "that the civil law (*woruldgeriht*) shall continue established amongst the *Danes*, under such good statutes as they may best choose. Amongst the English, let that stand for law which I and my Witan have added to the judgments of our ancestors, for the benefit of all the people. Yet, nevertheless, let this counsel be equally adopted by all the people, whether English, *Danes*, or Britons, in every part of my Empire."

Sy peahhwæðere þes ræd gemæne eallum leod-

scipe, ægðer ge Englum ge Denum ge Bryttum, on **Part II.**
 ælcum ende mines anwealdes¹. **WESSEX.**

[Nevertheless let this ordinance be common to all the nation, **Edgar.**
 whether English, Danes or British, in every region of my dominion.]

The regulations then follow, enacting that every one should be put under "borh," and for the appointment of jurats, by whose testimony sales of property were to be legalized. He concludes, "and let this also be common to all of us who dwell in this island....Let it be observed by Earl *Oslac*, and all the Host that dwelleth in his government. Many copies are to be made of this original statute, and they are to be sent to Ealdorman *Elfhere*, and to Ealdorman *Egelwine*, or *Aylwin*. And they are to disperse or promulgate them in such manner that the counsel be known to all, rich and poor."

7 ðas eaca sy us eallum gemæne þe on ðissum iglandum wuniað. þonne fyrðrige *Oslac* eorl 7 eal here, þe on þis ealdordome wunað.... 7 write man manega gewrita be ðisum 7 sende ægðer ge to *Ælfere* ealdormen ge to *Ægelwine* ealdormen, 7 hi gehwyder þæt þes ræd cuð sy ægþer ge earmum ge eadigum.²

[And let this supplement be common to all of us who live in these islands. Wherefore let Earl *Oslac* and all the army who dwell within his jurisdiction promote [the maintenance of this law]....And let many copies of this be prepared, and be sent as well to Alderman *Ælfere* as to Alderman *Ægelwine*, and let these in turn circulate them, so that this ordinance be known to poor and rich.]

It was in this manner that statutes were afterwards promulgated by Writ of Proclamation addressed to the Sheriff or Vicecomes, as here to the Earl or Alderman. Such instances of the continuance of legal usages subsisting *through* the period of the conquest, may lead us to suspect that many portions of the constitution and jurisprudence of the Anglo-Norman age are really much more ancient than they appear to be,—or than we can venture to affirm.

Part II.
WESSEX.

The Martyr
Edward.

Mercia and Northumbria, and in the second year of his reign over all England.

- 975 **Edward**, eldest son of **Edgar**, and *Ethelred*, his second son, severally chosen to succeed him by the nobles, amongst whom great dissensions arise, but the former having been designated by *Edgar* as his successor, he is accepted as King in a great council, and consecrated accordingly, being about thirteen years old.

At Rex *Edgarus* immatura morte præreptus, *Edwardum* filium suum et regni et morum hæredem reliquit. In cujus electione dum quidam principes palatini acquiescere nollent, *Dunstanus* correpto crucis vexillo, . . . *Edwardum* illis ostendit, elegit, sacraavit, &c. (Osbernus in Vita Dunst. c. 8.)

[But King *Edgar*, cut off by an early death, left *Edward* his son heir both to his throne and to his character. But while some leading men at the Court refused to acquiesce in his election, *Dunstan*, seizing the standard of the Cross, shewed *Edward* to them, elected him, consecrated him, &c. (Osbern, Life of St. Dunstan, c. 8.)]

De rege eligendo magna inter primores regni oborta est dissensio. Quidam namque regis filium *Edwardum*, quidam vero fratrem illius elegerunt *Ethelredum*, quam ob causam, Archiepræsules *Dunstanus* et *Oswaldus* cum Chorepiscopis, Abbatibus, Ducibusque quam plurimis in unum convenerunt et *Eadwardum*, ut pater ejus præceperat, elegerunt; electum consecraverunt, et in regem unxerunt.

(Flor. Wigorn.)

[A great dissension arose among the noblemen of the Kingdom regarding the election of a King. For some chose *Edward*, the King's son, others again chose his brother *Ethelred*; wherefore Archbishops *Dunstan* and *Oswald* together with the suffragan bishops and abbots and a great many Dukes met together and elected *Edward*, as his father had ordered, and having elected him, consecrated and anointed him King. (Florence of Worcester.)]

Illum *Dunstanus*, et cæteri Episcopi consentanei, regali culmine sublimarunt, contra voluntatem quorundam, ut aiunt, optimatum et novercæ.

(Will. Malm. de Gestis Regum, ii. 9.)

[Him *Dunstan* and the other Bishops in agreement with him, **Part II.** raised to the royal throne, contrary to the wishes of some of **WESSEX.** the nobles, it is said, and also of his step-mother. (William of Edward. Malmesbury, Acts of the Kings, ii. 9.)]

978—March 18. *Edward* killed at Corfe by the commands of *Elfrida*.

Ethelred Atheling, his brother, succeeds to the kingdom *Ethelred*.—consecrated at Kingston.

Indictione sexta, die Dominica xviii Kal. Maii, post paschalem festivitatem a sanctis Archipræsulis *Dunstano* et *Oswaldo*, et decem Episcopis in *Kingestune* ad regni fastigium est consecratus.

(Sim. Dunelm.)

[In the sixth indiction, on Sunday April 14th, after the festival of Easter, he was consecrated to the throne of the Kingdom by the holy Archbishops *Dunstan* and *Oswald* and by ten Bishops, at *Kingston*. (Simeon of Durham.)]

1007 *Edric Streona* appointed "Prefect" of Mercia by *Ethelred*.

1013 Northumbria, which up to this time appears to have **SWEYNE**. continued subject to *Ethelred*, submits to **SWEYNE**, together with Lindesey and the five Burghs, and all the Host north of Watling-street, and receive him as "full king." *Sweyne* advances to the West—*Ethelmar*, the Alderman of *Devon*, and all the Western Thanes, submit to him, and the Burhwaru of London also.

Ethelred takes refuge in Normandy with the *Ethelings*, (*Ethelred* deposed.) *Edward* and *Alfred*.

1014—Feb. 2. *Sweyne* dies. *Canute*, his son, chosen to *Ethelred* succeed him by the Danes, but the Witan of "*Angel-Cynn*," both clergy and laity, took counsel to recall *Ethelred*—restored. [Ða geræddan þa witan ealle gehadode 7 læwede Angelcynnes—Then all the Witan, clerks and laymen, of the English, resolved (that *Ethelred* should be sent for)]—and accept him again as King, upon condition that he would govern them more legally or justly than he did before. *Ethelred* sent his son *Edward* with his plenipotentiaries, and greeted all his people, and promised to be a good

Part II.
WESSEX.
Ethelred.

Lord to them, and amend all they wished to have amended; and that all things should be forgiven which had been done or said against him, provided they would all turn to him without fraud. And there was full friendship established in word and deed and pledge on either side.—The Danish Kings were outlawed in this Assembly, though part of Mercia and Northumbria continued subject to *Canute*.

Dani, Cnutonem filium Swani in regem eligunt; Angli contrà, naturalem dominum chariorem sibi pronunciantes, si regalius se quam consueverat ageret, e Normannia Ethelredum regem accersunt.

(Will. Malm. de Gestis Regum, ii. 10.)

[The *Danes* elect *Canute* the son of *Sweyn* to be King; the *English* on the other hand, saying that a native prince was dearer to them, did he but act in a more kingly manner than his former wont, summoned *Ethelred* from *Normandy* and made him King. (William of Malmesbury, Acts of the Kings, ii. 10.)]

Quo mortuo, filium ejus *Canutum* sibi regem constituit classica manus *Danorum*. At majores natu totius *Angliæ* ad regem *Anglorum Æthelredum* pari consensu nuncios festinanter miserunt, dicentes se nullum plus amare vel amatuos esse, quam suum naturalem dominum, si ipse vel rectius gubernare, vel mitius eos tractare vellet, quam prius tractarat. Quibus auditis, *Eadwardum* filium suum cum legatis suis ad eos dirigens, majores minoresque gentis suæ amicabiliter salutavit, promittens se illis mitem devotumque dominum futurum, in omnibus eorum voluntati consensurum, consiliis acquieturum, et quicquid sibi vel suis ab illis probrose et dedecorose dictum vel contrarie factum fuerat, placido animo condonaturum, si omnes unanimiter et sine perfidia illum recipere vellent in regnum. Ad hæc cuncti benigni responderunt. Dein amicitia plenaria ex utraque parte et verbis et pacto confirmatur. Ad hæc principes, se non amplius *Danicum* regem admissuros in *Angliam*, unanimiter sponderunt.

(Flor. Wigorn.)

[After his death, the *Danish* navy determined that his son

Canute should be King. But the elders of the whole of *England* Part II. unanimously sent messengers in haste for *Ethelred* the King of **WESSEX**. the *English*, saying that they neither did nor would love anyone *Ethelred*. more than their natural lord, if he were but willing to rule with more rectitude or treat them with greater kindness than he had formerly treated them. In answer to this message, directing his son *Edward* with his ambassadors to them, he sent amicable greetings to his people, great and small, promising to be a gentle and devoted lord to them, and that he would consent to their will in all things and would acquiesce in their counsels; and that he would cheerfully condone anything said to him or his followers in reproach or dishonour, or anything done contrary to him, if only they were willing unanimously and in good faith to receive him back to the Kingdom. To this they all gave a kindly response. Hereafter this agreement was confirmed without reserve on both sides both by word and compact. Whereupon the chief men promised unanimously that they would no more admit a *Danish* King into *England*. (Florence of Worcester.)]

The Anglo-Saxon Chronicle seems to have preserved the substance, perhaps the words, of the "gewrit" which *Ethelred* addressed to his people.

Ða sende se cyng his sunu Eadward mid his ærendracan hider. 7 het gretan ealne his leodscipe. 7 cwæp þæt he heom hold hlaford beon wolde. 7 ælc þæra þinga betan þe hi ealle ascunedon. 7 ælc þæra þinga forgifan beon sceolde þe him gedon oððe gecweðen wære. wið þam þe hi ealle anrædlice buton swidome to him gecyrdon.

[Then the King sent his son Eadward hither with his messengers, and bade them greet all his people, and said that he would be to them a gracious lord; and reform all those things which they abhorred, and all things which had been done or spoken against him should be forgiven, if only they all with one consent sincerely turned to him.]

1015 Canute ravages Wessex, of which the greater part appears to have submitted to him.

1016 War throughout the kingdom between Edmund and Canute. Northumbria submits to the latter.

Ethelred dies. The Burgesses of London and part of the Witan choose *Edmund* as their King. EDMUND.

Part II.
WESSEX.
EDMUND.

CANUTE elected by the rest of the Kingdom. Wessex submits to Edmund—Battle of Ashingdon—EDMUND becomes King of Wessex—CANUTE of *Mercia* and the North^a.

Edmundus, inde pene solus pedem referens, *Glocestriam* venit, ut ibi recollectis viribus, hostes recenti victoria otiosos sicut putabat, aggrediretur. Nec *Cnutoni* audacia defuit, quin fugientem insequeretur. Ita, cum infestis signis constitissent, *Edmundus* singularem pugnam petiit, ne duo homunculi propter ambitionem regnandi tot subsectorum sanguine culparentur, cum possent sine dispendio fidelium suorum fortunam experiri. Magnam utrilibet laudem futuram, qui suo potissimum periculo tantum regnum nancisceretur. Hæc cum *Cnutoni* renunciarentur, abnuit prorsus, pronuncians, animo se quidem excellere, sed contra tam ingentis molis hominem corpuseulo diffidere; verum, quia ambo non indebitè regnum efflagitent, quod patres amborum tenuerint, convenire prudentiæ, ut depositis animositatibus *Angliam* partiantur. Susceptum est hoc dictum ab utroque exercitu, et magno assensu firmatum, quod et æquitati conquadret, et mortalium paci tot miseriis defatigatorum placide consuleret. Ita *Edmundus* unanimi clamore omnium superatus, concordie indulgit, fœdusque cum *Cnutone* percussit, sibi *Westsaxoniam*, illi concedens *Merciam*.

(Will. Malm. de Gestis Regum, ii. 10.)

[*Edmund* returning thence almost alone came to *Gloucester*, so that, having reassembled his forces there, he might attack his enemies who, as he thought, had become leisurely in consequence of their recent victory. Nor did *Canute* prove deficient in boldness in pursuit of his enemy. Accordingly when they were drawn up in hostile array, *Edmund* demanded a single combat, so that two mere mortals, through their ambitious designs on the throne, should not be held responsible for the blood of so many subjects, when it was possible to try the

^a Simeon of Durham's narrative of Canute's accession contains many important particulars, which he details more clearly than the other chroniclers.

issue without the loss of their own faithful followers. He assured him that great praise would be showered on whichever of the two won so great a Kingdom chiefly at his own risk. When this message had been conveyed to *Canute*, he flatly refused, saying that he was far from wanting in courage, but that against a man of such bulk he did not place any confidence in his puny frame, but, as both of them demanded the throne not without some show of right, seeing that the fathers of them both had held it, it was only compatible with prudence that they should lay aside their quarrels and divide *England* between them. This speech was taken up by both armies and received approval with loud shouts, because it both squared with equity and calmly consulted the peaceful interests of mortals worn out by so many miseries. Thus *Edmund* overcome by the unanimous shouts of all, gave way to concord and struck a treaty with *Canute*, taking to himself *Wessex*, and conceding to *Canute* *Mercia*. (William of Malmesbury, Acts of the Kings, ii. 10.)] Part II.
WESSEX.
EDMUND.

Florence, who places the scene of the pacification on the site of Olney¹, thus describes the partition:—*West Saxoniam, East Angliam, East Saxoniam, cum Lundonia civitate et totam terram ad australem partem Thamesis fluminis obtinuit Edmundus, Canuto aquilonares partes Angliæ obtinente; corona tamen Regi Edmundo remansit. [Edmund held Wessex, East Anglia, Essex with the town of London and all the land on the southern side of the river Thames, while Canute held the northern portions of England; the crown however remained with King Edmund.]* So that *Canute* was to be considered as subject to *Edmund's* supremacy.

1016) —Nov. 30. *Edmund* dies. *Canute*, by the assent of *Canute*.

1017) the Witan, takes the whole of the kingdom, which he divides into four governments, viz. *Wessex*, which he retains to himself, and *East Anglia, Mercia*, and *Northumbria*, respectively given to *THURKYLL, EDRIC* and *ERIC*. (See *Northumbria*.)

1033 The Scots rebel. *Canute* marches into Scotland, and *MALCOLM, MÆLBÆTHA*, and *JEHMARC*, become his vassals.

1031 This year King *Cnute* travelled to Rome—and as soon as he came home he proceeded to

Part II.
WESSEX.
Canute.

Scotland, and Malcolm, King of the Scots, submitted to him, and became his man^a—[and Scotta Cyng him to beah Mælcolm and wearth his mann] and two other Kings, *Mælbæthe* and *Iehmarc*, also. (Sax. Chron.)

1033 [*Cnut*] Roma rediens perrexit in *Scotiam* et *Melcolm* Rex *Scotiæ* subditus est ei, et duo alii reges, *Melbeathe* et *Jermarc*. (Hen. Hunt.)

[1033 *Canute*, returning from Rome, proceeded to *Scotland*, and *Malcolm*, King of *Scotland*, was made subject to him, and two other Kings, *Melbeathe* and *Jehmarc*. (Henry of Huntingdon.)]

1033 *Cnuto* Rex potentissimus, a Roma rediens, contra *Scotos* rebellantes hostilem expeditionem duxit, et *Malcolmum* regem cum duobus aliis regibus levi negotio superavit. (Flores Hist.)

[1033 The most powerful King *Canute*, returning from Rome, led an hostile expedition against the rebellious *Scots*, and with little difficulty overcame *Malcolm* the King with two other Kings. (Flowers of the Histories.)]

Canutus erat autem dux totius *Daciæ*, totius *Angliæ*, totius *Norwagiæ*, simul et *Scotiæ*. (Diceto.)

[*Canute* was however the Head of the whole of *Dacia*, of the whole of *England*, of the whole of *Norway*, as well as of *Scotland*. (Ralph of Diss.)]

1033 Non enim hactenus *Anglorum* regi *Cnutoni*, quia regnum invaserat, pro *Cumbria* *Duncanus*, quam iterum et iterum ab eo summonitus, hominum fecerat; quia non inde sibi de jure, sed regibus *Angligenis* fidem deberi, rescripsit. Qua propter, a *Romana* peregrinatione rediens, confestim magna cum armatorum potentia, *Cumbriam* suo subdendam dominio pedetentim advenit. Cui Rex *Malcolmus*, forti præsidio suffultus, obviam perrexit, æque per omnia paratus ad pugnam: sed Deo volente, præsulum ac ceterorum interventu proborum ad hanc quæ sequitur adducti sententiam conveniunt, ut videlicet regis nepos *Duncanus* *Cumbricæ* dominio

^a One manuscript, employed by Dr. Ingram, adds, "ac he that lytle hwile heold."¹

libere, sicut predecessorum aliquis liberius tenuit **Part II.**
de cetero gaudeat in futurum: dum tamen ipse, **WESSEX.**
futurorumque regum heredes, qui pro tempore **Canute.**
fuerint, regi *Cnutoni* ceterisque suis successoribus
Anglorum regibus, fidem consuetam faciant. Et
sic ab invicem in pace discedunt per omnia con-
cordati. (Scotichron. iv. 46.)

[1033 For up to that time *Duncan* had not done homage to *Canute*, the King of the *English*, because he had usurped his Kingdom, on behalf of *Cumbria*, although he had been summoned by him again and again; because he wrote in reply that he did not owe allegiance rightly to him but to *English-born Kings*. Wherefore, immediately on his return from a pilgrimage to *Rome*, he came gradually with a large force of armed men to *Cumbria* to subdue it to his lordship. King *Malcolm* went to meet him, supported by a strong guard in every way equally prepared to fight; but by the will of God and guided by the intervention of the Bishops and the other good men, they arrive at this decision, namely that *Duncan* the King's nephew should enjoy in the future the lordship of *Cumbria*, just as one of his predecessors had most freely enjoyed it; provided only that he himself and the heirs of the future Kings, which should reign from time to time, should perform to *Canute* the King and to his successors, the other Kings of *England*, the accustomed allegiance. And thus they depart in peace, each his own way, in absolute agreement. (Fordun, iv. 46.)]

1033 Genuit autem *Duncanus* avi sui diebus, ex consanguinea *Siwardi* Comititis, duos filios *Malcolmum* scilicet *Canmore*, latine vero, Grossum Caput, et *Donaldum Bane*. Cui *Malcolmo Cumbrice* regionem, pater, statim ut coronatus est, donavit.

(Scotichron. iv. 49.)

[1033 *Duncan* however begat two sons in the life of his grandfather, their mother being of the kindred of Earl *Siward*—*Malcolm* to wit *Canmore*, in the Latin tongue, Grossum Caput (Big-head), and *Donaldbane*. And to this *Malcolm*, his father, immediately after his coronation, presented the province of *Cumbria*. (Fordun, iv. 49.)]

1035 CANUTE dies, having appointed Harold Harefoot, ^{HAROLD HAREFOOT.}
his son by *Alfwen*, the daughter of *Elfhelm*, Ealdorman of *Hampshire*, to succeed him in England—
Great Council or Meeting of all the Witan held at

Part II.

WESSEX.

HARDACNUTE.

Oxford. *Leofric*, Earl of *Mercia*, and the Thanes north of Thames, and the Lithsmen of London, choose *HAROLD*, but Godwin and the Nobles of Wessex oppose this choice, and choose *HARDACNUTE*, whom Canute had appointed King of Denmark and of the Danes in England. A compromise is effected, *HARDACNUTE* is appointed King of Wessex¹.

Anno Dominicæ Incarnationis millesimo tricesimo sexto *Haroldus*, quem fama filium *Cnutonis* ex filia *Elfelmi* Comitis loquebatur, regnavit annis quatuor et mensibus totidem. Elegerunt eum *Dani* et *Londoniæ* cives, qui jam pene in barbarorum mores propter frequentem convictum transierant. *Angli* diu obstiterunt; magis unum ex filiis *Ethelredi*, qui in *Normannia* morabantur, vel *Hardecnutum* filium *Cnutonis* ex *Emma*, qui tunc in *Danemarchia* erat, regem habere volentes. Maximus tunc propugnator justitiæ fuit *Godwinus* Comes, qui etiam pupillorum tutorem se professus, Reginam *Emmam* et regias gazas custodiens, resistentes umbone nominis sui aliquamdiu dispulit, sed tandem, vi et numero impar, cessit violentiæ. *Haroldus*, sceptro confirmato, novercam exiliavit.

(Will. Malm. de Gestis Regum, ii. 12.)

[In the year 1036 of our Lord's Incarnation *Harold*, who report says was the son of *Canute* by the daughter of Earl *Ælfhelm*, reigned for four years and as many months. The *Danes* and the citizens of *London* chose him, for the latter had almost by this time been transformed into the manners of the barbarians through constant intercourse. For a long time the *English* stood out, preferring to have as King one of the sons of *Ethelred*, who were in *Normandy*, or *Hardacnute*, the son of *Canute* by *Emma*, who was then in *Denmark*. At that time the greatest champion of justice was Earl *Godwin*, who also professed himself to be the tutor of the orphans and at the same time the guardian of Queen *Emma* and the royal treasures; with the shield of his name he for some time put to rout his opponents, but at length proving unequal to force of numbers, he yielded to violence. *Harold*, when his rule was established, exiled his step-mother. (William of Malmesbury, Acts of the Kings, ii. 12.)]

- 1037 HAROLD, King of *Mercia* and *Northumbria*, chosen **Part II.**
to be King over all England. **WESSEX.**
- 1040 HAROLD dies. HARDACNUTE invited by the **HAROLD**
"Proceres," and acknowledged as King of all **HAREFOOT.**
England by Danes and English. **HARDACNUTE**
restored.
- 1042 HARDACNUTE dies at Lambeth. Edward the **Edward**
Confessor chosen by the Clergy and Proceres, but **the Confessor.**
chiefly by the influence of Earl *GODWIN*, and of
Livingus, Bishop of Worcester.

According to the Saxon Chronicle, before Hardacnute was buried, "eall folc geceas Eadward to Cyng" [the whole people chose Edward for King]. The interpretation of this expression is found in Malmesbury, and the other authorities. Archbishop Eadsie consecrated him.—[7 toforan eallum þam folce hine wel lærde. 7 to his agenre neode 7 ealles folces wel manude.—And in the presence of all the people gave him good instruction, and for his own and all the people's need well admonished him]. The influence exercised by Godwin is ascertained from other authorities.

Hardecnuto mortuo, Eadwardus, tam tristi nuncio accepto, incertumque fluctuans quid ageret, quo se verteret nesciebat. Multa volventi potior sententia visa, ut Godwini consilio fortunas suas trutinaret. Conventus ille per legatarios ut pace præfata colloquerentur, diu hesitabundus et cogitans, tandem non abnuit: venientem ad se conantemque ad genua procumbere allevat, Hardecnuti mortem exponentem orantemque in Normanniam reditus auxilium, ingentibus promissis onerat; melius esse, ut vivat gloriosus in imperio, quam ignominiosus moriatur in exilio; illum Ethelredi filium, Eadgari nepotem; jure ei competere regnum ævo maturo, laboribus defæcato, scienti administrare principatum per ætatem severè, miseras provincialium pro pristina egestate temperare; id quo minus fiat nihil ob stare, si sibi credendum putet; suam auctoritatem plurimum in Anglia ponderari; quo se pronior inclinaverit, eo fortunam vergere; si auxilietur, neminem ausurum obstrepere, et e

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converso. Paciscatur ergo sibi amicitiam solidam, filiis honores integros, filiæ matrimonium; brevi futurum ut se regem videat, qui nunc vitæ naufragus, exul spei, alterius opem implorat.

Nihil erat, quod *Edwardus* pro necessitate temporis non polliceretur; ita, utrinque fide data, quicquid petebatur sacramento firmavit. Nec mora, *Gillingeham* congregato concilio, rationibus suis explicitis regem effecit, hominio palam omnibus dato. Homo affectati leporis, et ingenue gentilitia lingua eloquens, mirus dicere, mirus populo persuadere quæ placerent. Quidam auctoritatem ejus sequuti, quidam muneribus flexi, quidam etiam debitum *Edwardi* amplexi, pauci qui præter æquum et bonum restitere, et tunc censoriè notati et postmodum ab *Anglia* expulsi.

(Will. Malm. de Gestis Regum, ii. 13.)

[*Hardacnute* being dead, *Edward* on receipt of such sad news wavered in perplexity as to how he should act, and did not know whither to turn. After much pondering, the best course seemed to direct his fortunes by *Godwin's* advice. When the latter had been summoned by messengers to a conference on a friendly understanding, he did not in the long run refuse, though he remained for a long time in hesitation and deliberation. On *Edward's* coming to him and attempting to throw himself at *Godwin's* knees, he raises him up, and when he dwelt on *Hardacnute's* death and implored his help in securing a return to *Normandy*, he loads him with large promises. Better, he said, to live famous as a King than to die an obscure exile; he was the son of *Ethelred*, the grandson of *Edgar*; the Kingly office was coming to him by right in his maturity, purified by his sufferings and by his years knowing how to exercise supreme authority in all seriousness, and out of his former experience of poverty to alleviate the wretchedness of his subjects; there was nothing to prevent this being done if only he thought fit to put his trust in him; his influence had the greatest weight in *England*, on whatever side he threw it, success would incline that way; if he but lent his aid, none would venture to raise his voice against it, and the converse. He should therefore bargain for a substantial friendship for himself, for *Godwin's* sons new honours, for *Godwin's* daughter a marriage; in a short time it would be brought to pass that he should see himself King, who now was

implored the aid of another, shipwrecked in life and exiled from hope. Part II.
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There was nothing that *Edward* would not promise to meet the need of the moment; and so, when both of them had given security, he guaranteed by an oath whatever was asked. Without delay a council was convened at *Gillingham* and after all his reasons had been explained, he made him King, all men openly rendering him homage. *Godwin* was a man of studied wit and spoke his native tongue nobly; a wonderful speaker, wonderful in guiding the decisions of the people. Some bowed to his influence, some were persuaded by his gifts, some also embraced the rightful cause of *Edward*; a few there were who resisted him contrary to justice and right, and these, who were then noted down with displeasure, were afterwards banished from *England*. (William of Malmesbury, Acts of the Kings, ii. 13.) Edward
the Confessor.

1042 Rex Anglorum Hardecanutus, dum in convivio in quo Osgodus Clapa, magnæ vir potentiæ, filiam suam Githam, Danico et præpotenti viro Tovio, Prudan cognomento, in loco qui dicitur Lamhithe, magna cum lætitia tradebat nuptui, lætus, sospes, et hilaris cum sponsa prædicta, et quibusdam viris, bibens staret, repente inter bibendum miserabili casu ad terram corruit, et sic mutus permanens, sexto idus Junii, feria tertia, expiravit, et Wintoniam delatus, juxta patrem suum regem Canutum, est tumulatus. Cujus frater Eadwardus, annitentibus maxime Comite Godwino, et Wigornensi præsule Livingo, Lundoniæ levatur in regem. Cujus pater Æthelredus, cujus pater Eadgarus, cujus pater Eadmundus, cujus pater Eadwardus Senior, cujus pater Alfredus.

(Flor. Wigorn.)

[1042 *Hardacnute* King of the *English*, while he stood at his drink at a feast in which *Osgod Clapa*, a man of great power, was with great joy giving the hand of his daughter *Gytha* in marriage to *Tofig* the Proud, a very powerful Dane, in the place which is called *Lambeth*—hilarious, full of health and joking with the aforesaid bride and with certain men—suddenly while he was in the act of drinking, collapsed to the ground in a fearful attack, and so remaining speechless, died on Tuesday, the 7th of June, and having been brought to *Win-*

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chester was buried by the side of his father King *Canute*. And his brother *Edward*, principally through the support of Earl *Godwin* and *Lyving*, the Bishop of *Winchester*, was raised to the throne at *London*. And his father was *Ethelred*, the son of *Edgar*, the son of *Eadmund*, the son of *Edward* the Elder, the son of *Alfred*. (Florence of Worcester.)]

The narrative in Flores Histor. is nearer to the Chronicle than Florence of Worcester:—Cujus frater *Eadwardus*, annuente clero et populo, *Londonis* in regem eligitur, et ab Archiepiscopis *Cantuariensi Eadsio* et *Ebor. Ælfrico*, cum sibi subjectis episcopis, prima die *Paschæ*, in regem apud *Wintoniam* consecratur. [And his brother *Edward* with the concurrence of the clergy and people was elected King at *London* and was consecrated King at *Winchester* by *Eadsige* and *Ælfric*, the Archbishops of *Canterbury* and *York*, with all the bishops under their authority, on the first day of Easter.] The Ramsey Chronicle (cap. 102) seems to contain an independent account, perhaps written by a contemporary. The omission of the name of the Archbishop of York was probably occasioned by his being considered merely as an assistant.

Igitur post *Hardecnutum*, prædictus frater ipsius ex matre *Ædwardus* a proceribus *Angliæ* in regem electus, prima die solemnibus *Paschæ*, ab *Edsio Dorobernæ* Archiepiscopo apud *Wintoniam* sacratus est et coronatus. Erat autem vir simplex et rectus, in Dei rebus strenuus; vir, qui propter mansuetudinem innatam, vix etiam injuriis impetitus nosset irasci, unde, quia sine severitate causali nullum congrue regi potest imperium, pluribus propter indulgentiam ejus et simplicitatem parum idoneum eum ad tractanda regni negotia arbitrantibus, Deus tamen opera ejus dirigens, et imperium timeri et majestatem ejus ab omnibus fecit adorari. (Hist. Rams. ut supra.)

[After *Hardacanute* therefore, his above-mentioned brother by the same mother, *Edward*, was elected King by the nobles of *England*, on the first day of the feast of Easter, and was consecrated and crowned at *Winchester* by *Eadsige*, Archbishop of

Canterbury. Moreover he was a simple and upright man, zealous in God's service, a man who through his natural clemency scarcely knew how to be angry even when injuriously attacked; wherefore, because no rule befitting a king can be sustained properly without severity befitting the case, many men thought that he was little suited to carry on the business of government on account of his indulgence and simplicity, but God however was the director of his acts and made his rule feared and his majesty adored by all. (Chronicle of Ramsey, as above.)

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1043 Edward consecrated at Winchester on Easter Day.

1043 Quamvis *Edwardus* vel deses, vel simplex putaretur, habebat comites, qui eum ex humili in altum conantem erigerent: *Siwardum North-animbrensiū*, qui ejus jussu cum *Scottorum* rege *Makbetha* congressus, vita regnoque spoliavit; ibidemque *Malcolmum* filium regis *Cumbrorum* regem instituit. *Leofricum Herefordensiū*, qui eum contra similitates *Godwini* favore magnifico tutabatur, quod ille fidente conscientia meritorum minus regem revereretur. *Leofricus* cum conjuge sua *Godifa* in Dei rebus munificens monasteria multa constituit; *Coventriæ* Sanctæ *Maricæ*, *Stow*, *Wenelok*, *Leonense*, et nonnulla alia; cæteris ornamenta et predia, *Coventriæ* corpus suum cum maximo apparatu auri et argenti delegavit. *Haroldum Westsaxonum* filium *Godwini*, qui duos fratres reges *Wallensiū*, *Ris* et *Griffinum*, sollertia sua in mortem egerit; omnemque illam barbariem ad statum provinciæ sub regis fide redegerit.

(Will. Malm. de Gest. Regum, ii. 13.)

[1043 Although *Edward* was considered either sluggish or simple, he had Earls to set him on his feet, when he made an effort to erect himself, namely *Siward*, Earl of the *North-umbrians*, who at his command had attacked *Macbeth* King of the *Scots* and spoiled him of life and kingdom; and in the same place made *Malcolm*, the King's son, King of the *Cumbrians*; *Leofric* also, Earl of *Hereford*, who with a high-minded goodwill used to safeguard him against the rivalry of *Godwin*, because he, with a conscious trust in his good deeds, shewed too little respect for the King. *Leofric*, with his wife *Godiva*, was bountiful in all the works of God and founded

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many monasteries; Saint *Mary* at *Coventry*, *Stow*, *Wenlock*, *Leominster* and some others. To the others he gave ornaments and lands, to *Coventry* his own body with much provision of silver and gold; likewise *Harold*, Earl of the *West Saxons*, the son of *Godwin*, who, with his usual astuteness, had driven to death the two brother Kings of the *Welsh*, *Rhys* and *Griffin*; and he reduced all that barbarous country to the status of a province under the King's allegiance. (William of Malmesbury, *Acts of the Kings*, ii. 13.)]

1054 *MALCOLM* appointed King of *Scots* by Edward's aid and authority.

1054 *Strenuus Dux Northanhimbrorum Siwardus*, jussu regis, cum equestri exercitu et classe valida *Scotiam* adiit, et cum rege *Scotorum Macbeotha* praelium commisit, ac multis millibus *Scotorum* et *Normannis* omnibus, quorum supra mentionem fecimus, occisis, illum fugavit, et *Malcolmum* regis *Cumbrorum* filium, ut Rex jusserat, regem constituit. In eo tamen praelio suus filius et multi *Anglorum* et *Danorum* ceciderunt. (Flor. Wigorn.)

[1054 *Siward*, the vigorous Duke of the *Northumbrians*, at the King's command, went to *Scotland* with an army of horse-men and a strong fleet, and joined battle with *Macbeth*, King of the *Scots*; and after many thousands of the *Scottish* soldiers and all the *Normans* (whom we have mentioned above) had been killed, he routed him and established *Malcolm*, the son of the King of the *Cumbrians*, on the throne, in accordance with the King's orders. In that battle however his own son and many *English* and *Danes* fell. (Florence of Worcester.)]

1054 *Dux Northanimbrorum Siwardus*, jussu regis *Edwardi*, *Scotiam* cum multo exercitu intrans, praelium cum rege *Scottorum*, *Macbeth*, committens, illum fugavit, et *Malcolmum*, ut Rex jusserat, Regem constituit. (Mailros.)

[1054 *Siward*, the Duke of the *Northumbrians*, at the bidding of King *Edward*, entered *Scotland* with a large army and joining battle with *Macbeth*, King of the *Scots*, routed him and set up *Malcolm* as King, as the King had ordered. (Chronicle of Melrose.)]

1054 Eodem anno, ex præcepto regis *Edwardi*, **Part II.**
 strenuus Dux *Northanhumbro- rum Siwardus*, exer- **WESSEX.**
 citum grandem in *Scotiam* ducens, regem *Machbo-* **Edward**
tum de regno suo fugavit, multis *Scottorum* millibus the Confessor.
 interfectis, cum *Normannis* omnibus. Rex igitur
Eadwardus regnum *Scotiæ* dedit *Malcolmo*, filio
 regis *Cumbrorum*, de se tenendum. (Flores Hist.)

[1054 In the same year, in accordance with the command of King *Edward*, *Siward*, the vigorous Duke of the *Northumbrians*, led a large army into *Scotland* and drove *Macbeth* the King in flight from his Kingdom, after slaying many thousands of *Scots* together with all the *Normans*. King *Edward* therefore gave the throne of *Scotland* to *Malcolm*, the son of the King of the *Cumbrians*, to be held of himself. (Flowers of the Histories.)]

1056 “*GRIFFIN*,” King of the *Welsh*, becomes *Edward*’s vassal.

1056 “Earl *Leofric* and Earl *Harold*, and
 “Bishop *Ealdred*, came against the *Welsh*, and
 “concluded a settlement between them and the
 “English. So that *Griffin* swore oaths that he
 “would behave himself towards King *Edward*,
 “as a true ‘Under-King,’ and without deceit.”^a
 (Sax. Chron.)

Swa þat Griffin swor aðas þat he wolde beon
 Eadwarde Kinge hold underkinge 7 unswigende.

[So that Griffin swore oaths, that he would be to King *Edward* a devoted and loyal under-king.]

1063 } *BLETHYN* and *RYWALLON*, Kings of the *Welsh*,
 1064 } become the vassals of *Edward*, and also of *HAROLD*,
 as Earl of *Wessex*.

1063 In this year, about harvest time, King
 Griffin was slain, “on nonas Augusti,” by his own
 subjects (fram his agenum mannum). He was
 King over all “Weal cyn,” and they brought his
 head to Earl *Harold*, and Earl *Harold* brought it
 to the King.....and King *Edward* bestowed the

^a That is to say, in the form and to the effect of the customary oath of fealty.

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land upon his two brothers, *Blethgente* and *Rigwatalan*^a. And they swore oaths, and gave hostages to the King and to the Earl, that they would be faithful to them in all things, and everywhere ready to aid them by sea and land, and they would perform such obligations in respect of the country, as ever was done before to other kings. (Sax. Chron.)

1064 Rex *Norwalanorum Griffinus* a suis interficitur, et caput ejus caputque navis illius cum ornatura¹ Comiti *Haroldo* mittitur; quæ mox ille regi *Edwardo* detulit. Rex vero *Edwardus* terram regis occisi, duobus fratribus suis *Bleothgenti* et *Rithwalano*, ea conditione concessit, ut fideles illi semper existerent, quod et per sacramentum et obsidibus datis confirmarunt. (Mailros.)

[1064 *Griffin*, King of the *North Welsh*, was put to death by his own subjects and his head and the beak of his ship were sent to Earl *Harold* with its ornament; who soon brought them to King *Edward*. King *Edward* granted the land of the murdered King to his two brothers, *Bleothgent* and *Rithwalan*, on condition that they should always remain faithful to him. And in confirmation of this they swore oaths and gave hostages. (Chronicle of Melrose.)]

1064 Rex *Walanorum Griffinus* non. Augusti a suis interficitur, et caput ejus caputque navis ipsius cum ornatura Comiti *Haroldo* mittitur, qui mox illa regi detulit *Eadwardo*. Quibus gestis, suis fratribus *Blethgento* et *Rithwalano* Rex terram *Walanorum* dedit. Cui, et *Haraldô* comiti fidelitatem illi juraverunt, et ad imperium illorum mari terraque se fore paratos, ac omnia quæ prius de terra illa regibus anterioribus fuerant pensa, obedienter se pensuros sponderunt.

(Flor. Wigorn. Sim. Dunelm. de Gestis.)

[1064 *Griffin*, King of the *Welsh*, was put to death by his own subjects on the 5th of August, and his head and the beak

^a *Blethyn* and *Rywallon*, the sons of *Cenfyn*, half brothers to *Griffin* or *Gruffydh*. (Wynne's *Caradoc*, p. 96.)

of his ship were sent to Earl *Harold* with its ornament, and he soon conveyed them to King *Edward*. Whereupon, the King gave the land of the *Welsh* to his brothers, *Blethgent* and *Rithwalon*. And they swore fidelity to him and to Earl *Harold* and promised that they would be ready to perform their commands both on land and sea and obediently pay all the obligations concerning that land, that had been paid by the former Kings. (Florence of Worcester. Simeon of Durham, History of the Kings.)] Part II.
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1064 Gens *Wallanorum*, nonas Augusti, interfecto Rege suo *Griffino*, caput ejus Duci *Haraldo* miserunt, quod mox *Haraldus* ad regem *Eadwardum* transmittens alium *Wallensibus* regem præfecit, qui *Eadwardo* regi fidelitatem præstito faciens juramento, omnia quæ regibus *Anglorum* solvi consueverant ipse fideliter se pensurum spopondit.

(Flores Hist.)

[1064 The people of *Wales* put their King *Griffin* to death on the 5th of August, and sent his head to Earl *Harold*, and when *Harold* had soon sent it on to King *Edward*, he appointed another King over the *Welsh*, who, tendering fealty to the King and taking an oath, promised that he would faithfully discharge every obligation which had usually been paid to the Kings of the *English*. (Flowers of the Histories.)]

1064 *Griffinus* Rex *Wallensium* a suis occiditur, et caput ejus cum rostro navis ipsius *Haroldo* destinatur, cujus fratribus *Blethgento* et *Ruthis* Rex *Edwardus* dedit, et fidelitate jurata pro servitio regno *Angliæ* debito singulis annis præsto persolvendo *Walliam* tenendam sibi et posteris suis pacifice concessit. (Ingulphus, p. 68.)

[1064 *Griffin*, King of the *Welsh*, was slain by his own subjects and his head together with the beak of his ship was despatched to *Harold*, and King *Edward* gave the land to *Griffin's* brothers, *Blethgent* and *Ruthis*, and granted *Wales* to them to be peacefully held by them and their heirs, when they had sworn to perform forthwith their bounden service annually to the throne of *England*. (Ingulphus, p. 68.)]

The Welsh laws and Triads acknowledge the tribute rendered to the King of England, or of "London."

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Si quis de aliena patria fecerit regi *Aberffraw* injuriam, i.e. *Sarhaed*¹, reddat ei lxiii libras, et de hac causa quod tantum est *Mechdeyrnged*, quod debet Rex *Aberffraw* reddere semel regi *Londoniæ* cum acceperit terram suam ab eo.

(LL. Wallicæ, Pref.)

[If anyone of a foreign country shall do harm to the King of *Aberffraw*, i.e. *Saraad*, let him pay him sixty-three pounds and, for this cause, namely that that sum is as much as the *Mechdeyrnged* which the King of *Aberffraw* was bound to pay once to the King of *London* when he accepted his land from him. (Laws of the Welsh, Preface.)]

Tria sunt in tota *Cambria* tributa regalia; primum *Aberfravia* accipiet a *Dinevora*, melle solvendum. Secundum tritico solvendum, accipiet a *Mathraval*, tertium est lxiii libræ quæ a rege *Aberfraviæ* regi *Angliæ* solvendæ sunt.

(LL. Wallicæ, ut supra.)

[There are three royal tributes in the whole of *Cambria*; the first—*Aberffraw* shall receive tribute from *Dynevor*, to be paid in honey. The second, to be paid in wheat, it shall receive from *Mathraval*; the third is sixty-three pounds, which must be paid by the King of *Aberffraw* to the King of *England*. (Laws of the Welsh, as above.)]

HAROLD.

1066 Death of Edward. HAROLD consecrated as King.

The mode of Harold's accession is stated with great diversity. Malmesbury is the strongest authority for asserting that Harold obtained the throne against the will of the legislature. And it must be recollected, that this writer was the contemporary of Edgar Atheling.—Recenti adhuc regalis funeris luctu, *Haroldus*, ipso Theophaniæ die, extorta a principibus fide, arripuit diadema, quamvis Angli dicunt, a rege concessum: quod tamen magis benevolentia quàm judicio allegari existimo, ut illi hæreditatem transfunderet suam cujus semper suspectam habuerat potentiam. Quamvis ut non celetur veritas, pro persona quam gerebat regnum prudentia et fortitudine gubernaret, si legitime suscepisset. (Will. Malm. de Gestis Regum, ii. 13.)

[While the mourning for the death of the King was still fresh, *Harold*, on the very day of Epiphany, forcing allegiance from the nobles, seized the crown, although the English declare that it had already been granted him by the King; but this allegation I consider to be more the result of benevolence than of judgment, that he should transfer his heritage to one whose power he had always held in suspicion. However, not to conceal the truth, his personal worth was such that he would have governed the Kingdom with prudence and fortitude had he but received it in a legitimate fashion. (William of Malmesbury, Acts of the Kings, ii. 13.)] Part II.
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HAROLD.

Ordericus Vitalis follows on the same side (iii. p. 492)¹; and his statement must be taken as proceeding from an Englishman, who, though dwelling in Normandy, retained all his national feeling.

Post aliquot temporis, piæ memoriæ Rex *Eduardus*, xxiv^o anno regni sui, nonas Januarii *Lundoniæ* defunctus est, et in novo monasterio, quod ipse in occidentali parte urbis condiderat, et tunc præcedenti septimana dedicari fecerat, prope altare quod beatus *Petrus* Apostolus tempore Melliti Episcopi cum ostensione signorum consecraverat, sepultus est. Tunc *Heraldus*, ipso tumulationis die, dum plebs in exequiis dilecti regis adhuc maderet fletibus, a solo *Stigando*² Archiepiscopo (quem Romanus Papa suspenderat a divinis officiis pro quibusdam criminibus) sine communi consensu aliorum præsulum et comitum procerumque consecratus, furtim præripuit diadematis et purpuræ decus. Audientes autem *Angli* temerariam invasionem, quam *Heraldus* fecerat, irati sunt: et potentiorum nonnulli fortiter obsistere parati a subjectione ejus omnino abstinuerunt. Alii vero nescientes qualiter tyrannidem ejus (quæ jam super eos nimis excreverat) evaderent, et e contra considerantes quod nec illum dejicere, nec alium regem ipso regnante ad utilitatem regni substituere valerent, colla ejus jugo submiserunt, viresque facinori, quod inchoaverat, auxerunt.

[After some time King *Edward*, of pious memory, died in the 24th year of his reign, on the 5th of January at *London*, and was buried in the new monastery which he himself had built in

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WESSEX.
HAROLD.

the western quarter of the city and had caused to be dedicated in the preceding week near the altar which the blessed Apostle *Peter*, in the days of Bishop Mellitus, had consecrated with a shewing of signs. Then *Harold*, on the very day of his burial, while the people were still wet with tears at the funeral of their beloved King, consecrated by Archbishop *Stigand* alone (whom the Pope of Rome had suspended from his sacred functions for certain charges) without the general consent of the other bishops and earls and nobles, seized by stealth the honour of the crown and purple. The *English* people, however, when they heard of the rash intrusion that *Harold* had made, were angry; and some of the more powerful nobles, ready to present a brave resistance, entirely refrained from making any subjection to him. Others, however, when they could not see how they could possibly escape his tyranny (which already had grown exceedingly over them) and considering on the other hand that they were neither strong enough to depose him, nor while he reigned, to substitute any other King to the profit of the Kingdom, bowed their necks to his yoke and increased his strength in prosecuting the evil deed which he had begun. (Ordericus Vitalis, iii. p. 492.)]

With these, in substance, agrees the account preserved in Flores Hist.

Defuncto *Eadwardo*, *Anglorum* rege sanctissimo,
* * * * * fluctuabant proceres
regni, quem sibi regem præficerent et rectorem.
Quidam enim *Gulielmo* *Normannorum* Duci, quidam
Comiti *Haraldo*, *Godwini* filio, alii autem favebant
Eadgaro filio *Eadwardi*. *Eadmundus* vero, Latus-
ferreum, rex naturalis de stirpe regum, genuit
Eadwardum, *Eadwardus* *Eadgarum*, cui de jure
debeatur regnum *Anglorum*. Sed *Haraldus*, vir
callidus et astutus, intelligens quia nocuit semper
differre paratis, in die Epiphaniæ, qua Rex *Ead-*
wardus sepultus est, extorta fide a majoribus, capiti
proprio imposuit diadema. (Flores Hist. p. 221.)

[On the death of *Edward*, the most saintly King of the *English*..., the nobles of the Kingdom were in doubt as to whom they should make King and ruler over them. For some favoured *William*, Duke of *Normandy*; some Earl *Harold*, the son of *Godwin*, while others favoured *Eadgar*, the son of *Eadward*. *Eadmund* indeed, Iron-side, a rightful King descended

from Kings, begat *Eadward*, *Eadward* begat *Eadgar*, to whom **Part II.** the Kingdom of the *English* rightfully belonged. But *Harold*, **WESSEX.** a cunning and astute man, knowing how harmful it always is **HAROLD.** to delay when things are ready, on the day of Epiphany, when *Edward* the King was buried, forcing allegiance from some nobles, placed the crown on his own head. (Flowers of the Histories, p. 221.)]

An elegy on the death of the Confessor, inserted in the Anglo-Saxon Chronicle (it appears for the first time in Dr. Ingram's valuable edition), intimates that Harold was designated by Edward as his successor. It has been stated by a respectable cotemporary, that, according to the Saxon Chronicle, a part, if not all of the nobles chose him; but the text merely says, "Her wearth Harold Eorl eac to cyngge gehalgod." [In this year also Earl Harold was hallowed king.] Such a choice, however, is affirmed by Florence of Worcester.

Quo tumulto, Subregulus *Haraldus*, *Godwini* ducis filius, quem Rex ante suam decessionem regni successorem elegerat, a totius *Angliæ* primatibus ad regale culmen electus, die eodem ab *Aldredo* Eboracensi Archiepiscopo in regem est honorifice consecratus. Qui mox, ut regni gubernacula suscepit, leges iniquas destruere, æquas cœpit condere, Ecclesiarum ac monasteriorum patronus fieri, Episcopos, abbates, monachos, clericos colere simul ac venerari, pium, humilem, affabilemque se bonis omnibus exhibere, malefactores exosos habere. Nam ducibus, satrapis, vicecomitibus, et suis in commune præcepit ministris, fures, regni disturbatores comprehendere, et pro patriæ defensione ipsemet et terra marique desudare. (Flor. Wigorn.)

[After his burial, *Harold*, the King's deputy, son of Duke *Godwin*, whom the King had chosen as his successor before his death, was elected by the nobles of the whole of *England* to the summit of royal power and on the same day was consecrated King with due honour by *Aldred*, Archbishop of York. And he, soon after he had undertaken the reins of government, began to destroy the unjust laws and to institute just laws, to

Part II.

WESSEX.

HAROLD.

become a benefactor of Churches and monasteries, to befriend Bishops, Abbots, Monks, clergy and at the same time to honour them, to shew himself pious, humble and affable to all good men and to hold all malefactors in detestation. He gave orders to all his high officers, Governors and Sheriffs and to all his ministers generally, to apprehend thieves, the disturbers of his Kingdom, and he himself laboured in the defence of the country, both on land and sea. (Florence of Worcester.)]

Battle of Hastings. HAROLD is slain. Archbishop *Aldred*, and the "Burh-warū" of London, endeavour to secure the throne for *Edgar Atheling*, the legitimate heir. William prevails against all opposition. On Christmas day he is consecrated as King, at Westminster, by Archbishop *Aldred*; but before he is crowned, he promises to govern the community as well as any king had best done before him, if they would on their part be faithful to him.

..... On midwintres dæg hine halgode to kynge Ealdred arcebiscop on West mynstre, 7 he sealde him on hand mid Cristes bec. 7 eac swor, ær þan þe he wolde þa corona him on heafode settan, þat he wolde þisne þeodscipe swa wel haldan, swa ænig Kynge ætforan him betst dyde gif hi him holde beon woldon. [On Midwinter's day, archbishop Ealdred hallowed him King at Westminster, and he promised him on the Gospels, and also swore, before he would set the crown on his head, that he would rule this people as well as any king who before him had ruled best, if they would be faithful to him. (AS. Chronicle.)]

I have given the sense in the text, but no modern equivalent can be found for the emphatic *þeodscipe*. Florence explains some of the obscurities of the vernacular chronicle.

Aldredus autem *Eboracensis* Archiepiscopus, et Comites *Eadwinus* et *Morcarus* cum civibus *Lundoniensibus* et *butsecarlis*,¹ Clitonem *Eadgarum*, *Eadmundi* Ferrei-lateris nepotem, in regem levare voluerunt, et cum eo se pugnam inituros promiserunt: sed dum ad pugnam descendere multi se paraverunt, Comites suum auxilium ab eis

retraxerunt, et cum suo exercitu domum redierunt. **Part II.**
Interea Comes *Gulielmus Suthsaxoniam, Cantiam, WESSEX.*
Suthamtunensem provinciam, *Suthregiam, Middel-*
saxoniam, Heortfordensem provinciam devastabat, et
villas cremare, hominesque interficere non cessabat,
donec ad villam, quæ *Beorcham*¹ nominatur, veniret.
Ubi *Aldredus* Archiepiscopus, *Wulstanus Wigorn-*
ensis Episcopus, Clito *Eadgarus*, Comites *Eadwinus*
et *Morcarus*, et de *Lundonia* quique nobiliores, cum
multis aliis ad eum venerunt, et datis obsidibus
illi deditionem fecerunt, fidelitatemque iuraverunt.
Cum quibus et ipse fœdus pepigit, et nihilominus
exercitui suo villas cremare, et rapinas agere per-
misit. Appropinquante igitur Dominicæ Nativitatis
festivitate, cum omni exercitu *Lundoniam*, ut ibi
in regem sublimaretur, adiit. Et quia *Stigandus*
Primas totius *Angliæ*, ab Apostolico Papa calum-
nias est pallium non suscepisse canonice, ipsa
nativitatis die, quæ illo anno feria secunda evenit,
ab *Aldredo Eboracensium* Archiepiscopo in *West-*
monasterio consecratus est honorifice, prius (ut
idem Archipræsul ab eo exigebat) ante altare
Sancti *Petri* Apostoli coram clero et populo jure-
jurando promittens, se velle sanctas Dei ecclesias
ac rectores illarum defendere, necnon et cunctum
populum sibi subjectum juste et regali providentia
regere, rectam legem statuere et tenere, rapinas
injustaque judicia penitus interdicere.

(Flor. Wigorn.)

[However *Aldred*, Archbishop of *York*, and Earls *Edwin* and *Morcar* with the citizens of *London* and *butsecarls* wished to raise *Edgar*, the Atheling, the grandson of *Edmund Ironside*, to the throne and promised that they would fight on his behalf; but when many had got ready to go to battle, the Earls withdrew their help from them and returned home with their armies. Meanwhile Duke *William* was laying waste *Sussex*, *Kent*, the region of *Southampton*, *Surrey*, *Middlesex* and the province of *Hertford*, and continued to burn towns and to slay men until he came to the township which is called *Berk-hampstead*. And here Archbishop *Aldred*, *Wulstan*, Bishop of *Worcester*, *Edgar* the Atheling and the Earls *Edwin* and *Morcar* and some notables from *London* with many others, came to

Part II.
WESSEX.

him and surrendered to him, giving hostages and swearing fidelity. And he ratified a truce with them and in spite of this allowed his army to burn towns and plunder. And so, on the approach of the Feast of our Lord's Nativity, he came with his whole army to *London* to be raised to the throne there. And because *Stigand* the Primate of the whole of *England* had been accused by the Apostolic Pope that he had received his pallium irregularly, on the very day of the Nativity, which in that year happened to be on Monday, he was consecrated with due honour by *Aldred* Archbishop of *York* at *Westminster*, having first promised and sworn (as the Archbishop demanded of him) before the altar of *St. Peter* the Apostle in the presence of the clergy and the people, that he was willing to defend the holy churches of God and their rulers, and likewise to rule the whole people subject to him justly and with kingly providence, to institute and uphold just laws and to utterly put a stop to all rapine and unjust judgments. (Florence of Worcester.)]

Interempto *Heraldo*, *Stigandus Cantuariensis* Archiepiscopus, et præclari Comites *Eduinus* et *Morcarus*, aliique Primates *Anglorum*, qui *Senlacio* bello non interfuerunt, *Edgarum* Clitonem, filium *Eduardi*... filii *Edmundi Irneside*, id est Ferreilateris, regem statuerunt; et cum eo contra externos hostes pro patria et gente se fortiter pugnatueros minati sunt. Porro *Guillermus* Dux ubi frequentiore conventum eorum audivit, cum valida manu appropians non procul a *Lundonia* consedit; equitesque quingentos illo præmisit. Qui egressam de urbe contra se aciem refugere intra moenia compulerunt: et multa strage filiorum et amicorum facta, civibus ingentem luctum intulerunt. Incendium etiam urbanæ cædi addiderunt, et quidquid ædificiorum citra flumen erat, cremaverunt. Dux autem *Tamesim* fluvium transmeavit, et ad oppidum *Guarengesfort* pervenit.

Illuc *Stigandus* Archiepiscopus, aliique nobiles *Angli* advenerunt; *Edgarum* abrogantes, pacem cum *Guillelmo* fecerunt, ipsumque sibi dominum susceperunt: et ipsi ab eo benigne suscepti, pristinas dignitates et honores receperunt. *Lundonienses* nihilominus utile consilium percipientes sese in obsequium Ducis tradiderunt, et obsides

quos et quot imperarat adduxerunt. *Edgarus* Part II.
Adelinus, qui Rex fuerat constitutus ab *Anglis*, **WESSEX**.
 resistere diffidens, humiliter *Guillelmo* se regnumque
 contulit. Ille vero, quia idem puer mitis et sincerus
 erat, et consobrinus *Eduardi* Magni Regis (filius
 scilicet nepotis ejus erat), amicabiliter eum am-
 plexatus est, et omni vita sua inter filios suos
 honorabiliter veneratus est.

Omnia, disponente Deo, in spatio trium mensium
 per Angliam pacata sunt, cunctique præsules regni-
 que proceres cum *Guillelmo* concordiam fecerunt,
 ac ut diadema regium sumeret (sicut mos *Anglici*
 principatus exigit) oraverunt. Hoc summopere
 flagitabant *Normanni*, qui pro fasce regali nancis-
 cendo suo principi subierunt ingens discrimen maris
 et prælii. Hoc etiam divino nutu subacti optabant
 indigenæ regni, qui nisi coronato regi servire
 hactenus erant soliti. (Ord. Vit. iii. p. 503.)¹

[After the death of *Harold, Stigand*, Archbishop of *Canterbury*, and the illustrious Earls *Edwin* and *Morcar* and other leading men of the *English*, who had not taken part in the battle of *Senlac*, appointed as King, *Edgar* the Atheling, son of *Edward*, son of *Edmund* Ironside; and threatened that they would fight with him bravely on behalf of their country and people against foreign foes. Furthermore when Duke *William* heard that their assemblage was passing numerous, he, approaching with a strong force, encamped not far from *London*, and sent forward five hundred horsemen to that place. And they drove the force that came out of the city against them to take refuge behind the walls, and, effecting a great slaughter of their sons and friends, brought great grief on the citizens. They also added fire to the slaughter of the citizens and burnt all the buildings on this side of the river. The Duke however crossed the river *Thames* and came to the town of *Wallingford*.

To that place *Stigand* the Archbishop and the other *English* nobles repaired and rejecting *Edgar*, made peace with *William* and received him as their lord. And they, having been kindly received by him, recovered their former dignities and honours. The citizens of *London* perceiving no less that this was a wise plan, tendered the Duke obedience and brought him the hostages to the number he had ordered. *Edgar* the Atheling, who had been appointed King by the *English*, placing no reliance in

Part II. resistance, offered himself and his Kingdom in all humility to
WESSEX. *William*. And he, because the lad was of a mild and sincere disposition and a relative of King *Edward* the Great (for he was in fact the son of his nephew), embraced him in all kindliness; and throughout all his life he held a position of honour and affection among his own sons.

Peace having been completely restored through God's will throughout England in the space of three months, all the Bishops and nobles of the Kingdom made concord with *William* and begged him to assume the royal diadem (as the custom of the *English* principate demanded). This the *Normans* demanded vehemently, who had undergone a great risk on sea and in battle, in obtaining for their chieftain the royal sceptre. This also the inhabitants of the Kingdom, submitting to the will of God, longed for, who had not been accustomed to obey anyone but a crowned King. (Ordericus Vitalis, iii. p. 503.)]

EARLDOM OF WESSEX.

Upon the accession of Canute, when Earls were appointed over *East Anglia*, *Mercia*, and *Northumbria*, the Kingdom of Wessex was retained by him in his own hands. But before the close of his reign, the territory of *Wessex*, together with *Kent* and *Sussex* (to which must be added the dependant *Surrey*, or "*Suthrige*"), became the Earldom of

GODWIN.

1020 **GODWIN**, son of *Wulnoth*, "Child" of the *South Saxons*, and nephew of *Edric Streone*. (See *Mercia*.) He appears to have obtained his appointment from *Canute*, as the reward for his services against the *Swedes*^a.

^a *Cnuto*....martem in *Suevos* transtulit....primò exceptus insidiis, multos ex suis amisit...postremò reparatis viribus resistentes in fugam vertit. Reges gentis, *Ulf* et *Eiglaf*, ad deditionem pacis adduxit. Promptissimis in ea pugna *Anglis*, hortante *Godwino* Comite.....incubuere igitur viribus *Angli*, et victoriam consummantes, comitatum Duci, sibi laudem paraverunt. (Malm. ii. 11.) [*Canute* transferred his valour against the *Swedes*, and, at the outset being caught in an ambush, lost many of his men:...later when he had recovered his

1051 *GODWIN* banished. The western part of his Earldom, including the "Wealh kyn," granted to *Odda* **Part II.**
WESSEX.
(See below, p. 443). *GODWIN.*

1052 *GODWIN* restored.

1053—Apr. 15. Death of *GODWIN*^a. He is succeeded in his Earldom of *Wessex*, and its dependancies, by his son

HAROLD, whose Earldom of *East Anglia*, &c. *HAROLD*.
devolves upon Earl *Algar*.

strength he put his adversaries to flight. The Kings of this people, *Ulf* and *Eglaf*, he induced to surrender peacefully. The *English* showed great readiness in this battle, at the exhortation of Earl *Godwin*. . . the *English* therefore fell on with all their might and main and, bringing about a victory, acquired an earldom for their leader and much praise for themselves. (William of Malmesbury, Acts of the Kings, ii. 11.)] This is the first notice of Godwin. The territories composing the Earldoms of Godwin and his sons are enumerated in the narrative of the gathering against *Edward* the Confessor. (1051.) Talia geri in suo comitatu Comes *Godwinus* graviter ferens, de toto suo comitatu, scilicet de *Cantia*, *Suth-Saxonia*, et *West Saxonia*; et filius ejus primogenitus *Swanus* de suo, id est de *Oxnafordensi*, *Glawornensi*, *Herefordensi*, *Sumerseatunensi*, *Bearrucscirensi* provinciis; alterque filius *Haroldus* de suo comitatu videlicet de *East Saxonia*, *East Anglia*, *Huntedunensi*, et *Grantebricgensis* provinciis, innumerabilem congregaverunt exercitum. (Flor. Wigorn.) [1051. Earl *Godwin* being very angry that such things should be done in his Earldom, collected an innumerable army, he from the whole of his Earldom, to wit from *Kent*, *Sussex* and *Wessex*; and his eldest son, *Sweyn*, from his, namely *Oxfordshire*, *Gloucestershire*, *Herefordshire*, *Somersetshire* and *Berkshire*, and his second son *Harold* from his Earldom, to wit from *Essex*, *East Anglia*, *Huntingdonshire* and *Cambridgeshire*. (Florence of Worcester.)]

^a . . . cujus ducatum suscepit filius ejus *Haroldus*; et ejus comitatus datus est *Algaro*, *Leofrici* comitis filio. (Flor. Wigorn.)

[...whose dukedom his son *Harold* received; and his Earldom was given to *Algar*, son of Earl *Leofric*. (Florence of Worcester.)]

Part II.
WESSEX.

DOMINIONS INCLUDED IN THE KINGDOM OF
THE WEST SAXONS.

WIGHT.

WIGHT. JUTES OR GOTHs.

530 CERCIC and CYNRIC take the Island—slay many of the Britons in “Wihtgara byrig”¹ and bestow the Island on *STUF* and *WIHTGAR*, the nephews of CERCIC^a. (See above, p. 331.)

STUF and
WIHTGAR.

^a Huntingdon² has a full account of the prowess of *Stuf* and *Wihtgar*:—

Sexto namque anno post bellum prædictum, venerunt nepotes *Certic*, *Stuf* et *Witgar*, cum tribus navibus apud *Certicesore*. Primo autem mane duces *Brittannorum* acies in eos secundum belli leges pulcherrimè construxerunt; cumque pars eorum in montibus, pars eorum in valle progredereetur cautè et excogitatè, apparuit sol oriens, offenderuntque radii clipeis deauratis, et resplenduerunt colles ab eis, aerque finitimus clarius refulsit, timueruntque *Saxones* timore magno, et appropinquaverunt ad prælium; dum autem colliderentur exercitus fortissimi, fortitudo *Brittannorum* dissipata est, quia Deus spreverat illos, et facta est victoria patens, et adquisierunt duces prædicti regiones non paucas, et per eos fortitudo *Certici* terribilis facta est, pertransiitque terram in fortitudine gravi. (ii. p. 179.)²

[For in the sixth year after the aforesaid war, *Stuf* and *Wihtgar*, nephews of *Certic*, came to *Certicesore* with three ships. Early however in the morning the leaders of the *Britons* drew up their lines in beautiful fashion to resist them according to the laws of warfare, and when some of them were advancing on the mountains and some in the valley with caution and with deliberation, the rising sun appeared and its rays smote upon their gilded shields and the hills gleamed with them and the air around shone brighter, and the *Saxons* were afraid with a great fear and drew near to battle. But when these two brave armies met in the shock of battle, the bravery of the *Britons* ebbed away because God had rejected them and a decisive victory ensued, and the above-mentioned leaders acquired territories not a few, and through them the bravery of *Certic* became terrible and he overran the land with his crushing bravery. (ii. p. 179.)]

According to Malmesbury, the island was bestowed upon

- 544 Death of *WIHTGAR*—he is buried at *Wihtgara-byrig*. **Part II.**
- 661 Wight conquered by *WULFERE*, of *Mercia*, and **WESSEX—**
granted by him to *ETHELWOLD*, King of *Sussex*. **WIGHT.**
(See *Sussex*.)
- 686 *ARVALD*, King of *Wight*. The Island is attacked **ARVALD.**
by *CEADWALL* and *Mollo*. The Brethren of
Arvald are cruelly slain^a.
- *ASTULPH*, King of the *Vectian Jutes*, of whom only **ASTULPH.**
the name is known^b.
- 900 *ALBERT*, or *ÆLBERT*, son of *ASTULPH*, reigned **ALBERT.**
about the time of *Alfred*, after whose death the
succession of Kings ceased, and the *Vectians*, or
men of Wight, submitted to *Edward the Elder*^b.

HAMPSHIRE. SAXONS, AND JUTES OR GOTHs. HAMPSHIRE.

- 755 *SIGEBERHT*, King of *Wessex*, retains this Province **SIGEBERHT.**
after his deposition. (See above, p. 338.)

Wihtgar only, whom he describes as the son of *Cerdic*'s sister; and he also extols the prowess of the Jutish warrior.—Is cum sanguinis propinquitate tum bellandi artibus avunculo juxta charus (ejus enim ex sorore nepos erat) celebrem in eadem insula primo principatum, post etiam sepulturam, accepit. [This man equally dear to his uncle, as well by nearness of blood as for his skill in warfare (for he was his sister's son), received in the first instance a distinguished position as chief in that island and afterwards burial in the same.] (i. 2.) Obscure as these leaders now appear, they evidently held a prominent station in Anglo-Saxon tradition; and the grant made to them by *Cerdic* explains the formation of the dependant appanages held by the junior branches of the Royal families. Of their kin was *Oslac*, "Pincerna" of King *Ethelwulf*, and father of *Osburgh*, mother of *Alfred*. (Asser, p. 5.) Huntingdon probably translated an historical poem similar to that which commemorates the deeds of *Brithnoth*, Ealdorman of *Essex*.

^a Bede (iv. 16) is extremely succinct in his narrative. The "Fratres Regis Arvaldi" were afterwards canonized, but their legend conveys no further information.

^b Wallingford, p. 538.

- Part II.** 860 *OSRIC*, Ealdorman or Dux of *Hamtunscire*, resists
WESSEX— the Danes.
HAMPSHIRE.
- OSRIC.* 897 Death of *WULFRED*, Ealdorman of this Shire.
WULFRED.
ELFEG. 971 Death of *ALFEAG*, or *ELFEG*, "*Dux Suthantunensium*^a."
- ÆTHELMAR.* 982 Death of *ÆTHELMAR*, Ealdorman of *Hampshire*.
- ETHELWARD.* 994 } *ETHELWARD*^b.
 995 }
- [*ELFRIC?*] 1003 "Fyrd," or general array, of *Hampshire* under the
 command of Ealdorman *ELFRIC*.
- ELFHELM.* 1006 *ELFHELM*, slain by the procurement of *EDRIC*
STREONE^c.

**WIN-
CHESTER.**

WINCHESTER.

- 897 Death of *Beornwulf*, "*Wicgerefa*," or *Præpositus* of
 this city.

"*Hamtunscire*" was the first seat of the West Saxons, but it was peopled also by a colony of Jutes, who settled in the Isle of Wight, and on the opposite coast, where they were considered as a distinct nation till the time of Bede. *De Jutarum origine sunt Cantuarii et Victuarii, hoc est ea gens quæ Vectam tenet insulam, et ea, quæ usque hodie*

^a Flor. Wigorn. only. When not otherwise expressed, the authority is the Saxon Chronicle.

^b This "*nobilis Dux Ethelwardus*¹," or "*Ethelward*, Ealdorman," was charged to meet *Anlaf*, in conjunction with *Alfeg*, Bishop of Winchester, and they afterwards escorted the Danish Prince to *Andover*. It is therefore probable that he held office in this Province. *Ethelweard* the King's "*Heah-gerefa*," who headed the Fyrd or levy of *Hampshire*, in the battle of Alton (1001), on which occasion he was slain, may be the same individual, unless the *Heah-gerefa* be considered as the *Ethelward*, son of *Ethelmar*, slain by Canute in 1013. (Flor. Wigorn. and Chron.)

^c He was the father of *Elfgiva*, or *Ælfin*, the mother of Harold. The first name is given to her by the Chroniclers—the last by the Book of Ramsey (p. 447). According to Flor. Wigorn. he was Dux of *North-Hampton*.

in Provincia Occidentalium Saxonum, *Jutarum* Part II.
 natio nominatur, posita contra ipsam insulam **WESSEX—**
Vectam. (Beda, i. 15.) [Of *Jutish* origin are the **WINCHESTER**
Cantuarii and *Vectuarii*, that is the people that
 hold the island of *Vecta* (*Wight*), and that people
 which in the province of the West Saxons till this
 day is called the nation of the *Jutes*, situated
 opposite the island of *Vecta* itself. (Bede, i. 15.)]
 The river "*Homelea*," or Hamble, ran through
 "*Eota land*," as it is called by Alfred, and a place
 called "ad lapidem," or "*Æt Stane*,"¹ was within
 the boundaries of this English Jut-land.

BERKS.

BERKS.

- 860 *ETHELWULF*, *ADULF*, or *ATHULF*, Ealdorman *ETHELWULF*.
 of Berkshire, "*Bearroccensis* Pagæ Comes" (Asser),
 defeats the Danes. (Dux Provinciæ *Bearrucscire*
 —Ethelwerd, iv. 1.)
- 871 *ETHELWULF*, slain by the Danes, at Reading.
 (Asser, p. 21. Ethelwerd, iv. 2.)

WILTS.

WILTS.

- 800 *WEOXTAN*, Alderman of the *Wilsættum* about *WEOXTAN*.
 this time. Battle between him and *ETHELMUND*,
 starting from the *Hwiccas*.
- 887 *ATHELHELM*, or *ETHELM*, "Comes *Wiltunen-* *ATHELHELM*.
sium" about this time^a.
- 893 *ATHELHELM*, Ealdorman of *Wiltshire*, dies.
- 1003 "Fyrd" of *Wiltshire* under the command of Ealdor-
 man *ELFRIC*. [ELFRIC?]

^a For the variations of his name see Sax. Chron., Asser,
 p. 55, and Ethelwerd, iv. 3.

Part II.

WESSEX—
SOMERSET.

SOMERSET.

- HUN.* 823 *HUN*, Duke of Somerset, killed in battle^a against the Mercians at Ellendune (see above, p. 345). Buried at Winchester.
- EANWULF.* 845 *EANWULF*, with the *Sumersætun*, defeats the Danes.
- 854) *EANWULF*, "*Summurtunensis* pagæ Comes," con-
855) spires against *ETHELWULF*. (Asser, p. 9, and see above, p. 354.)
- 867 Death of *EANWULF*^b.
- ATHELNOTH.* 878 *ATHELNOTH*, Dux of Somerset about this time, continues faithful to *ALFRED*^c.
- SWEYNE.* 1013 Somerset and Dorset included in *SWEYNE*'s Earldom. (See above, p. 437.)
- ODDA.* 1051 Upon the banishment of *SWEYNE*, Somerset is included in *ODDA*'s Earldom^d.

BATH. *BATH.*

- 906 Death of *Alfred*, "Wic Gerefa" of Bath.

^a *Hun* ibi occiditur, Dux provinciæ *Sumorsætun*, requiescit-que nunc in urbe *Wintana*. (Ethelwerd, iii. 2.) [At this place *Hun* was slain, the Duke of the province of *Somerset*, and reposes in the city of *Winchester*. (Ethelwerd's Chronicle, iii. 2.)] The other chroniclers notice the battle, but omit the name of the leader.

^b In eodem anno migravit *Eanwulf*, Dux Provinciæ *Sumer-setun*. (Ethelwerd, iv. 2.)

[In the same year *Eanwulf*, the Duke of the province of *Somerset*, passed away. (Ethelwerd's Chronicle, iv. 2.)]

^c This notice of *Athelnoth* is found only in Ethelwerd (iv. 3).

^d And man sette þa Oddan to Eorle ofer *Defena-scire*, and ofer *Sumer-sætun*, and ofer *Dor-seton*, and ofer *Wealas*¹.

[And Odda was appointed Earl then, over *Devonshire* and over the men of *Somerset* and *Dorset*, and over the *West Welsh*.]

DORNSETTAS. (DORSET.)

Part II.

WESSEX—
DORSET.

— EGGLEWARD, or ETHELWARD, Dux Dorsetensis ETHELWARD.
in the reign of Edgar, founder of the Monastery of
Pershore^a.

837 Ealdorman ATHELHELM, or ETHELM, defeats ATHELHELM.
the Danes at Portland.

845 OSRIC, Ealdorman, with the Dornsettas, defeats the OSRIC.
Danes at "Pedridan-mutha," i.e. the Mouth of the
Parrett.

— Dorset included in GODWIN's Earldom of Wessex. GODWIN.

1051 Dorset included in ODDA's Earldom^b. ODDA.

WEST WALES—DAMNONIA or DYVNAINT^c (after- WEST
wards Devonshire) and CERNAU or CORNWALL. WALES.

530 GERAINT, the son of ERBIN, Prince of Dynnaint, GERAINT.

^a Malm. de Gestis Pontificum (p. 162). Persecoræ fundavit
et perfecit cenobium, tempore Regis Eadgari, Egelwardus, Dux
Dorsatensis, minime parcus animo, sed effuso in largitatem studio.

[Egelward, Duke of Dorset, founded and completed a convent
at Pershore in the time of King Eadgar, a man not at all of
a stingy mind, but rather inclined to a profuse liberality.
(William of Malmesbury, Acts of the Bishops.)]

^b See note d on p. 442.

^c This province in the British period included Cornwall.
The Anglo-Saxon or English settlers acquired the name of
Defensættas. The Britons are known by the usual denomina-
tion of *Wealh*. And it seems, from the language employed in
Alfred's will (p. 17), that Cornwall, Devon, Somerset, Dorset,
and perhaps Wilts, were then collectively known by the name
or designation of the *Wealh-cynn*, from the number of British
inhabitants. The following passages from Asser may shew the
manner in which the double nomenclature of places, British and
Anglo-Saxon, prevailed in this district: "Saltus qui dicitur
Selwdu (Selwood), Britannice, *Coitmaur*" (p. 33). [A forest
which is called *Selwood*, in the British tongue, *Coitmaur*.
(Asser, Life of Alfred, p. 33.)] "In paga quæ dicitur Britannice
Durngueis, Saxonice autem *Thornsæta*¹" (p. 27). [In a district

Part II.

WESSEX—

WEST WALES.

CONSTANTINE.

GERAINT II.

killed by the Saxons at Llongborth^a. (See above, p. 331.)

CONSTANTINE^b.

589 *GERAINT II*^c. From this period the Britons of the West seem to have been compelled to submit to the supremacy of the English.

652} Britons of the West endeavour to recover their
658} liberty, they are defeated by CENWEALH. (See above, p. 333.)

681 Britons driven to the sea by CENTWIN. (See above, p. 334.)

GERAINT III.

710 *GERAINT III*^d.

which is called in the British tongue *Durngueis*, in the Anglo-Saxon tongue *Thornsæta*. (Asser, Life of Alfred, p. 27.)]

^a That Geraint I. was really a Prince of Damnonia, is one of the best attested facts of British history; and it should seem, from the elegy of Llywarch Hên, that he had long withstood the Saxon power.

^b Immundæ lænæ Damnoniæ tyrannicus catulus, *Constantinus*. (Gildæ Ep., p. 10.) [*Constantine*, the tyrannical cub of the impure lioness of Damnonia. (Letter of Gildas, p. 10.)] The British histories or traditions represent him as the son of Cador. The Ulster Annals, 588, notice the “*conversio Constantini ad Dominum*” [conversion of *Constantine* to the Lord]. This individual is supposed to have been the King of Damnonia, who, after abdicating his throne, became a monk in Ireland.

^c By whom St. Teliaw was hospitably received, when migrating to Armorica. (Uss. p. 290.)

^d To whom Aldhelm addressed his Epistle on the observance of Easter. This curious document is printed by Alford, II. 408, and in other collections. This Geraint, or Gerontius, with whom Ina fought (see above, p. 335), is considered by Dr. Owen Pugh as the last of the *three* Geraints. The style given to *Geraint* by *Aldhelm*, may lead to the supposition that he was the chief of the Princes of the Wealas.

“Domino gloriosissimo, Occidentalis regni sceptrā gubernanti, quem ego...fraterna charitate amplector, *GERUNTIO* Regi, simulque cunctis Dei sacerdotibus per Damnoniam conversantibus *Aldhelmus*, sine meritorum prærogativa abbatis officio functus,

- 730 *BLEDERIC*, said to have been Prince of *Cornwall*. **Part II.**
(Wynne's Caradoc.) **WESSEX—**
WEST WALES.
- 755 Accession of *CYNEWULF*, who, in 766, was engaged *BLEDERIC*,
in many wars with the Britons of the West. (See
above, p. 341.)
- 809 *EGBERT* subdues the Britons of *Cornwall*. (See
above, p. 344.)
- 813} *EGBERT* herries *West Wales*. (See above, p. 345.)
814}
- 823 Battle of Gavelford, between the Britons and the
Dena, i.e. the Anglo-Saxon settlers of *Damnonia*,
who appear, about this era, to have gained the
dominion of the soil. (See above, p. 345.)
- 835 Danes land in *West Wales*, and are joined by the
Britons.
- 872 *DONGERTH*, King of *Damnonia*, drowned^a. *DONGERTH.*
- 897 Death of *Wulfric*, the "*Weal-Gerefa*," probably the
officer by whom such of the British Provinces as
were in the King's hands were administered.
- 917} *HUGANUS*, Lord of *West Wales* about this time^b, *OWEN*, or *HUGANUS*.
938} perhaps only of a part of the country to the West
of the Tamar.

optabilem in Domino salutem." (Alford, II. 408.)¹ [To the most glorious lord that wields the sceptre of the Western Kingdom, whom I embrace in brotherly love, to King *GERUNT* and at the same time to all the priests of God dwelling throughout *Damnonia*, I, *Aldhelm*, performing without any claim to merit the office of Abbot, do give welcome greeting in the Lord. (Alford, Annals, II. 408.)] This is the epistle concerning the due observance of Easter, to which Bede alludes (v. 19), and from its tenor we can collect that the Bishop of Sherborne did not then assume any episcopal authority over the Britons of *Damnonia*; he exhorts them as brethren, and advises them, not as their pastor, but as their friend.

^a According to Carew (p. 78) and Cressy, in his *Church History* (p. 746). A stone pillar, standing at Pen-nant, in the County of *Cornwall*, is supposed to have been erected to his memory. (Camden, I. 21.)

^b According to Wynne's *Caradoc* (p. 46), this *Huganus* was

Part II.

WESSEX—

WEST WALES.

HOWELL.

ODDA.

- 926 } HOWELL, King of *West Wales*, becomes the vassal
 938 } of *Athelstane*^a.
 1051 ODDA appointed Earl over the "*Wealas*," who had
 been hitherto included in *GODWIN*'s Earldom.
 (See above, p. 442, note d.)

The notices of West Wales do not enable us to distinguish accurately between Devon and Cornwall. Many of the Ealdormen, and other rulers of Devon, are also ascribed to Cornwall. Asser's diocese of Sherborne, or, as he writes it, Exeter, extended into Cornwall and "Saxony." "Dedit mihi Exanceastre, cum omni parochia quæ ad se pertinebat, in *Saxonia* et in *Cornubia*." (p. 51.) [He gave me Exeter with all the parish that appertained to it, in *Saxony* and in *Cornwall*. (Asser, *Life of Alfred*, p. 51.)]

Somewhat earlier than this period the compact between the Britons and the English seems to have been concluded.—*Dis is seo gerædnes þe Angelcynnes witan, and Wealhðeode Rædboran, betweox Dunsetan gesetton*¹. [This is the agreement which the Witan of the English and the counsellors of the Welsh people established between the *men of Devonshire*.]—It appears that the boundary between the "Wylisland" and the

defeated by Elfreda, at Brecknock. Our chroniclers only notice the capture of the wife of the British King; and it is by no means certain that *Bricenanmere* is Brecknock. *Ægelfleda*, Merciorum Domina, in terram Britonum ad expugnandam arcem apud *Bricenanmere* misit exercitum, qui, expugnata arce, uxorem Regis Britonum, et triginta quatuor homines captivos in Merciam adduxerunt. (Flor. Wigorn.) [*Æthelflæd*, Lady of the Mercians, sent an army into the land of the Britons to take by assault the citadel at *Bricenanmere*, and this army after taking the citadel, led the wife of the King of the Britons and thirty-four men captive to Mercia. (Florence of Worcester.)] *Huganus* is evidently the *Eugenius* (i.e. *Owen*) who attended the Witenagemot of *Athelstane* in 938. (See above, p. 375.)

^a See above, p. 366. This *Howel* also attended the Witenagemot in 938.

"Englisc-land" was a river, and I conclude that **Part II.**
 river to be the Exe, and not the Tamar, because **WESSEX—**
 the treaty is expressed to have been made between **WEST WALES.**
 the Devnsættan, that is to say, between the
 "Wylisc" Devonshire men, and the "Englisc"
 Devonshire men. If it had been an agreement
 between the Cornish Britons and the Englishmen
 of Devonshire, instead of being agreed upon
betwixt the Devnsettas, it would naturally, and
 according to the usual forms of speech which
 then prevailed, have been expressed as made
betwixt the *Cornwealas* and the Devnsettas. (Wil-
 kins, Concilia, p. 125.)

ANGLO-SAXON EALDORMEN OF DEVONSHIRE. DEVONSHIRE.

- 851 *CEORL*, Comes *Domnanice* (Asser) or *CEORL*, Ealdor-*CEORL*.
 man of *Devonshire*, gains a great victory over the
 Danes.
- 878 *ODDA*, "*Dux Provinciæ Defenum*" (Flor. Wigorn.), *ODDA*.
 besieged by *Halfdane*.
- 899) *ÆTHERED*, or *EDRED*, Ealdorman of *Defenum*, *ÆTHERED*, or *EDRED*.
 900) dies one month before the death of *ALFRED*^a.
- 926 Britons expelled by *Æthelstane* from Exeter, which
 they had hitherto inhabited in common with the
 English. (Part I., p. 342.)
- 971 *ORDGAR* or *ARIDGAR*, *Dux Devonensium*, dies—*ORDGAR*, or *ARIDGAR*.
 father of *Elfrida*, *Elfthrida*, or *Elfrida*, the queen
 of *Ædgar*^b. (Flor. Wigorn.)

^a Eodem anno obierat *Edred Dux Davenescyre*, uno mense
 ante obitum *Ælfredi* Regis, qui cum eo multa fidelis et fortis
 gesserat bella. (Hen. Hunt.)

[In the same year *Edred*, Duke of *Devonshire*, had died, one
 month before the death of King *Alfred*, who, faithful and
 brave, had carried on with *Alfred* many wars. (Henry of
 Huntingdon.)]

^b The history of *Ordgar* is probably taken in part from popular
 ballads. Malmesbury (*de Gestis Regum*, ii. 8) is more concise
 than Brompton (p. 886) in his narrative of *Elfrida's* adventures,

- Part II.** — *ORDWULF, EDULF* or *EADULF*, son of *ORDGAR*^a,
WESSEX— Dux of Devonshire.
DEVONSHIRE.
- ORDWULF.* 1013 *ÆTHELMAR*, “Comes *Domnaniæ*” (Flor. Wigorn.),
ÆTHELMAR. and the Western Thanes (Sax. Chron.) or “Occi-
 dentales Ministri,” submit to SWEYNE^b.
- GODWIN.* 1020 Devonshire included in *GODWIN*’s Earldom of
Wessex.
- ODDA.* 1051 Devon included in *ODDA*’s Earldom.

(*Goda.*) 988 *Goda*, “Satrapa *Domnaniæ*” (Flor. Wigorn.), or the
 Thane of Devon (Sax. Chron.), slain by the Danes.

and his greater brevity is probably occasioned by the more critical use of his materials; *Edgar* was married to *Elfrida* in 964—965. Rex Anglorum pacificus *Eadgarus*, *Ordgari* Ducis *Domnaniæ* filiam post mortem *Ethelwoldi* [*Elfwoldi*, S.D.] viri sui gloriosi Ducis *Orientalium Anglorum* in matrimonium accepit, ex qua duos filios *Eadmundum* et *Æthelredum* suscepit. Habuit etiam prius, ex *Egelfleda* Candida, *Ordmeari* Ducis filia, *Eadwardum* postea regem et martyrum. (Flor. Wigorn. and Sim. Dunelm.) *Ordgar* founded the monastery of Tavistock in 961.

[*Eadgar* the Peaceful, King of the English, after the death of her husband *Ethelwold* [*Elfwold*, S.D.] the glorious Duke of the *East Saxons*, took to wife the daughter of *Ordgar*, Duke of *Domnania*, and by her he had two sons *Eadmund* and *Ethelred*. He also had before this, by *Egelfleda* the Fair, the daughter of Duke *Ordmer*, *Edward*, afterwards King and Martyr. (Florence of Worcester and Simeon of Durham.)]

^a This “venerabilis Comes” (Cartularium de Tavistoke, Mon. III. 494) is reported to have been of gigantic size, and of strength corresponding to his magnitude. The drowsy warder of Exeter delaying to open the gates, he burst them open, demolishing also a part of the stone jambs on which they hung. (Will. Malm. de Gestis Pontificum.) *Ordwulf* was such a bounteous benefactor to the monastery of Tavistock, that he was considered as a founder.

^b *Ethelmar*, or *Ailmar*, is supposed to be the founder or benefactor of Eynsham. If so, he was the son of a “Dux Ethelweard,” as appears from Ethelred’s charter. (Mon. III. 12.)

Strenwold, a valiant knight or soldier, fell in the **Part II.**
same battle^a.

WESSEX—
DEVONSHIRE.

- 1001 *Cola*, the King's Heah-gerefa, leads the Fyrd of *(Cola.)*
Devon against the Danes.
- 1003 *Hugh* the Norman, Gerefa of Devon about this *(Hugh.)*
time^b.
- 1017 *Brihtric*, the son of *Alfheg*, Satrap of *Devon*, slain by *(Brihtric.)*
the orders of Canute^c.

^a et Miles fortissimus *Strenwoldus* cum aliis nonnullis perimuntur—sed tamen ex Danis plurioribus occisis, Angli loco funeris dominantur. (Flor. Wigorn. and Sim. Dunelm.) [...and *Strenwold*, a very brave soldier, perished with some others—but as the majority of the Danes had been slain—the English were masters of the place of death. (Florence of Worcester and Simeon of Durham.)] This passage is not in the existing Saxon Chronicles.

^b Hoc anno Rex *Danorum Swein*, per insilium, incuriam et traditionem *Nortmannici* Comitis *Hugonis*, quem Regina *Emma Domnaniæ* præfecerat, civitatem *Eaxancestriam* infregit. (Flor. Wigorn.) [In this year *Sweyn*, King of the *Danes*, through the imprudence, carelessness and treachery of Earl *Hugo*, the *Norman*, whom Queen *Emma* had appointed over *Devon*, broke into the town of *Exeter*. (Florence of Worcester.)] Her wæs Eaxancestre abrocen þurh þone Frenciscan Ceorl Hugon, þe seo Hlæfdige heafde hire gesett to gerefan. [In this year *Exeter* was stormed through [the fault of] the French churl *Hugo*, whom the Lady (*Emma*) had made reeve.]

^c 1017 Dux *Normannus* filius *Leofwini* Ducis, frater scilicet *Leofwini* Comitis et *Æthelwardus* filius *Agelmari* Ducis et *Brihtricus* filius *Alphegi Domnaniensis* Satrapæ sine culpa interfecti sunt. (Flor. Wigorn.) [1017 Duke *Northman* son of Duke *Leofwine*, to wit the brother of Earl *Leofwine*, and *Æthelward*, the son of Duke *Agelmar* and *Brihtric*, son of *Alphege*, Satrap of *Devon*, were killed without fault. (Florence of Worcester.)] Northman Leofwines sunu Ealdormannes, and Æpelweard Æpelmæres sunu þæs grætan, and Brihtric Ælfeges sunu on Defenascire. [Northman, son of Leofwine the Alderman, and Æthelweard, son of Æthelmær the Stout, and Brihtric, son of Ælfeah, in Devonshire [were slain]. (AS. Chronicle.)]

Part II.

WESSEX—
CORNWALL.

GOODRICH.

CERNAU, or CORNWALL.

— GOODRICH^a.

KENT.

KENT. JUTES.

- 446 *Hengist* and *Horsa*, Duces, or “Heretogas,” of the Jutes, land at *Ipwines* Fleet—obtain the Isle of *Thanet*, which, in the British tongue, was called *Ruim*.
- 455 Battle between the Saxons and Britons near the river *Dereuent*. (Nennius, c. 46.)—A second battle between *Hengist* and *Horsa* and WYRTGEORN, or VORTIGERN, at Epsford, which, in the British tongue, was afterwards called *Saessenaeg habail*¹, or, the Slaughter of the Saxons. *CATIGERN*, the son of VORTIGERN, fell in this battle, but *Horsa* was killed, and the Britons claim the victory^b.

^a Earl Godrich of Cornwall:—

Wis man of red, wis man of dede,
And men haveden of him mikel drede,

[Wise man of counsel, wise man of deed | Men held him in great awe.]

appears in the Romance of Havelok. If this redoubtable personage ever existed, we must place him towards the middle of the ninth century.

^b The *Dereuent* seems to be the *Darent*, a stream which gives its name to Dartford. I find the correction of “*Saessenhaeg habail*” in Langhorne (p. 13), who appears to have used a better manuscript of Nennius than that which has been printed by Gale. A copy in my possession containing notes, selected or transcribed from Archbishop Usher’s collections, reads “*Saeth yn y gafael*.” Whatever credit may be given to Nennius, it is clear that he is here repeating traditions, current amongst the Britons, concerning a country which had long been alienated from their power, though not from their recollection. And though I will not absolutely maintain that there were any Britons in Kent at that period, who gave this British name to *Epsford*, still it shews that the British tongue must have continued to

—A third battle was fought on the shores of the **Part II.** Channel, the result whereof, according to the **KENT.** British authorities, proved so unfavourable to the Jutes, that the “barbarians” were compelled to return to their “keels.”

457 Battle of *Creccanford*, in which 4000 Britons are slain. The Britons forsake “Kent land,” and fly to London. As it is stated, that the Britons “now abandoned Kent,” it is evident that up to this period the Saxons had only a partial possession. But henceforth the dominion of the country was vested in *Hengist* and *Æsc*^a.

be spoken in Kent for a period sufficiently long after the Saxon conquest, to have fixed the appellation to the scene of battle. And, as late as 694, the British name of *Ruym* is added to that of Thanet, in a Saxon charter.—(Thorn, 2234.)¹ According to the authority of Florence of Worcester, the Saxons gained the battle. But there is no improbability whatever in admitting that the invaders may have sustained great fluctuations of fortune before and after each victory. The very remarkable monument called Kit Coity’s house, is traditionally supposed to mark the grave of *Catigern*.

^a Their joint succession is placed by some authorities in 455, but the Saxon Chronicle only states that this event happened *after* the death of *Horsa*. Langhorne supposes this battle of *Creccanford* or *Crayford* to be the battle on the Darent mentioned by Nennius. Huntingdon has a detailed and curious narrative, in which the expressions betray the feeling of the Anglo-Saxon Scald, whose verse he translates. Thus, in the “*Drapa*,” in the battle of Brunnaburgh—*Myrce ne wyrndon heardes hond plegan Hæleþa nanum*. [The Mercians refused not the hard *handplay* to any of the heroes.]

Anno verò sequenti, regnante *Leone* imperatore, qui regnavit septem decim annis, morbo periit flos juvenum *Gortimerus*, cum quo simul spes et victoria *Brittonum* exstincta est. *Hengist* igitur et *Esc* filius suus, receptis auxiliis a patria sua, et morte juvenis freti, bello se præparant apud *Creganford*. *Britanni* vero quatuor phalanges maximas, quatuor ducibus munitas fortissimis, bello prostituunt. Sed cum *ludum belli Brittones* inissent, numerum *Saxonum* majorem solito malè ferebant; recentes quippe, qui supervenerant, et viri electi erant, securibus et gladiis horribiliter corpora *Brittonum* findebant: nec tamen

Part II.

KENT.

HENGIST.
ERIC, or ÆSC.

465 Battle between HENGIST and ÆSC and the Britons; of the latter, twelve chiefs or Ealdormen are slain. From the death of *Wypped*, a Saxon Theyn, who fell in this battle, the place was afterwards called *Wyppedes-fleet*.

473 HENGIST and ÆSC fight with the Britons, and take immense plunder. The Britons "fly from them like fire."

488 HENGIST dies^a.

ERIC, or ÆSC, succeeds to the government of all Kent, and he was King of the "*Cantwara*" during twenty-five years, and from him the Kings

cesserunt donec quatuor duces eorum prostratos et cæsos viderunt: tunc verò ultra quàm credi potest perterriti, a *Cent* usque in *Londoniam* fugerunt, et nunquam in *Cantiam* postea gratia pugnandi venire ausi sunt: exinde regnavit *Hengist* et *Esc* filius suus in *Cantuaria*. (Hen. Hunt. i.)

[In the following year indeed, during the reign of the Emperor *Leo*, who reigned seventeen years, there died of disease *Gortimer*, the flower of youth, with whom were extinguished together the hope and victory of the *Britons*. *Hengist* therefore and *Esc* his son, having received reinforcements from their country and relying on the death of the young man, get ready for war at *Crayford*. The *Britons* however put in the battle-line four very large phalanxes, all four strengthened by very brave leaders. But when the *Britons* entered upon the game of war, they made a feeble stand against the numbers of the *Saxons* which were greater than usual; in fact the reinforcements who had appeared on the scene and who were chosen men, carved the bodies of the *Britons* in a horrible manner with their axes and swords. Yet did they not yield until they saw their four leaders prostrate and slain. Then indeed terrified beyond belief, they fled from *Kent* as far as *London* and never afterwards did they dare to come to *Kent* for the sake of fighting. Henceforward *Hengist* and his son *Esc* reigned at *Canterbury*. (Henry of Huntingdon, i.)]

^a From 477 to 514, *Ælla* enjoyed the dignity of Bretwalda, and Kent must therefore be considered as subjected to his supremacy, unless exempted in consequence of its anterior settlement.

of *Kent*, his descendants, acquired the name of **Part II.**
Æscingas^a. **KENT.**

— *OCHA*, or *OCHTA*, said to be the son of *ÆSC*^b. *OCHA.*

— *ERMERIC*, son of *OCHA*, or of *ÆSC*. *ERMERIC.*

560 *ETHELBERT*, son of *ERMERIC*. *ETHELBERT.*

568 *ETHELBERT* engages in war with *Cræwlin* and *CUTHA*, probably for the purpose of asserting his supremacy, but he is defeated at "*Wibbandun*," and two of the Kentish Ealdormen, *Oslac* and *Cnebba*, are slain.

^a According to Nennius (c. 63) *Æsc*, whom he calls *Ocha*, returned to Kent from the left or northern parts of Britain...et de ipso orti sunt Reges illius patriæ. [...and the Kings of that country sprang from him.] *Ethelwerd* omits one link in the genealogy, inasmuch as he represents *Ermeric* to be the grandson of *Hengist*.

Erat autem idem *Ædilbert* filius *Irminrici*, cujus pater *Octa*, cujus pater *Oeric* cognomento *Oisc*, a quo Reges *Cantuariorum* solent *Oiscingas* cognominare. (*Beda*, ii. 5.) [Now this *Ædilbert* was the son of *Ermeric*, whose father was *Octa*, whose father was *Oeric*, surnamed *Oisc*, from whom the Kings of *Kent* are wont to be called *Oiscingas*. (*Bede*, ii. 5.)]

^b *Malmesbury* doubts whether they reigned singly or conjointly. His observations on the variations of the authorities which he is unable to reconcile, are worthy of remark:—

Hengistus reliquit filium *Eisc*, qui magis tuendo quam ampliando regno intentus, paternos limites nunquam excessit. Consumptisque annis viginti quatuor, filium *Otham* (*Ocham* vel *Ochtam*) ejusdemque filium *Ermericum* habuit successores, sibi quam avo aut proavo similiores; amborum temporibus quin-quaginta et tres anni deputantur in *Chronicis*; cæterum, si singillatim vel communiter regnaverunt, non discernitur. (*Will. Malm. de Gestis Regum*, i. 1.)

[*Hengist* left a son *Eisc*, who, more intent on guarding than increasing his Kingdom, never left his father's borders. And after a lapse of twenty-four years, he had his son *Otha* (*Ocha* or *Ochta*) and his grandson *Ermeric* as successors, who resembled him more than their grandfather and great-grandfather. In the *Chronicles* fifty-three years are attributed to the reigns of both; but it is by no means clear whether they reigned singly or conjointly. (*William of Malmesbury, Acts of the Kings*, i. 1.)]

- Part II. 589 About this time *Æthelbert* had acquired the dignity
 KENT. of Bretwalda^a. (See above, p. 332.)
- Æthelbert*. 596 }
 597 } Arrival of *Augustine*.
- 604 The East Saxons subjected to *Æthelbert* as Bretwalda, *SÆBRYHT*, or *SEBERCT*, his nephew, being their King, under his supremacy. (See Essex.) *Æthelbert* founds the Bishoprics of *London* and *Rochester*.
- EADBALD. 616 Death of *Æthelbert*, who is succeeded by his son, EADBALD—the “Reguli,” who had been subjected to his father, withdraw their obedience^b.
- ERCONBERT. 640 Death of EADBALD—ERCONBERT, his second son, succeeds, to the prejudice of *Ermenred*, his elder brother^c.
- EGBERT. 664 Death of ERCONBERT, who is succeeded by his son, ECGBRYHT, or EGBERT. *Ermenred* had left two sons, *Ethelbert* and *Ethelred*, who were murdered, after the accession of EGBERT, by his Thane, *Thunor*. It is said, that *Thunor* committed this act, either by his directions, or in the hope of pleasing his master^d.

^a It is to this period that we must refer the remarkable coin (Ruding, III. 1), the reverse whereof is impressed with the Roman emblem, the Wolf and Twins. Ruding has ascribed this coin to the second *Ethelbert*, but without any sufficient authority.

^b When *Redwald*, of East Anglia, became Bretwalda—whether in *Ethelbert*’s lifetime, or afterwards, is uncertain—it is most probable that Kent was subjected to him. *Edwin* (Bretwalda, 617—633) exempted Kent from subjection, in consideration of his marriage with the daughter of *Ethelbert*. (Bede, ii. 5.)

^c According to Flores Hist.—Eodem anno *Eadbaldus* Rex *Cantuariorum* tandem ex hac vita transiens, duos filios *Ermenredum* et *Erconbertum* regni temporalis reliquit hæredes, sed junior *Erconbertus* callide regnum fratri surripiens illum regno privavit.

[In the same year, *Eadbald*, King of *Kent*, at length passing from this life, left his two sons *Ermenred* and *Erconbert* as heirs of his temporal kingdom, but the younger, *Erconbert*, craftily stealing the kingdom from his brother, deprived him of it.]

^d The legendary account of these two young princes (Thorn,

673—July. *EGBERT* dies. *HLOTHERE*, or *LOTHAR*, **Part II.**
 his brother, succeeds, to the prejudice of his nephew, **KENT.**
EADRIC, son of *EGBERT*, whom he attempts HLOTHERE, or
LOTHAR.
 to exclude from the succession^a.

p. 1906) has the poetical machinery which usually accompanies similar narratives. Yet it probably gives us as true an account of the fate which befel the Saxon Athelings, as Shakspeare's historical play affords of the death of Arthur. Malmesbury glances at the misdeed:—*Quicquid boni potest diebus Ecgberti ascribi, attenuat facinus quo Elberhtum et Egilbrihtum filios patruī aut interemit aut interimi æquanimiter passus fuit.*

[Whatever good can be attributed to the reign of *Egbert*, the deed by which he slew or suffered with equanimity to be slain, the sons of his uncle, *Ethelberht* and *Egilbright*, detracts from it.]

^a *Successit Egberto frater Lotharius, alite mala regnum ingressus, quippe qui per undecim annos infestante Edrico filio Egberti frequenter et varia sorte civilibus bellis conflictatus, novissimeque jaculo corpus trajectus, ipso vulnere inter medendum vitam effudit. Sunt qui non taceant fratres ambos cita morte merito crudelitatis absumptos, quòd Egbertus filios patruī innocentes, ut dixi, occiderit: Lotharius martyres propalatos irriserit, quamvis prior et factum ingemuerit, et matri fratuelium partem insulæ Thanatos ad ædificandum monasterium concesserit.* (Will. Malm. de Gestis Regum, i. 1.)

[His brother *Hlothhere* succeeded *Egbert*, entering upon his reign with an evil omen, seeing that, through the hostility of *Edric*, son of *Egbert*, he had frequently during eleven years and with varying fortune to contend with internal dissensions, and finally, having been pierced in the body by a javelin, poured forth his life from this wound while under treatment. There are some who do not refrain from stating that both these brothers were cut off by this sudden death as a just reward for a deed of cruelty, because *Egbert*, as I have said, slew the innocent sons of his uncle, and *Hlothhere* laughed at their being held up as martyrs, although he had formerly deeply bemoaned the deed, and had granted to the mother of his cousins a portion of the isle of *Thanet* for the purpose of building a monastery. (William of Malmesbury, Acts of the Kings, i. 1.)]

685 *Hlothéri, Cantuariorum Rex, cum post Ecgbertum fratrem suum, qui novem annis regnaverat, ipse duodecim annis regnasset, mortuus erat octavo Idus Februarias; vulneratus namque est*

Part II.
KENT.

676 *Æthelred* of *Mercia* invades *Kent*. *HLOTHERE* flies before him—the conqueror ravages the country, and destroys *Rochester*^a.

HLOTHERE and
EADRIC.

— It appears from the laws jointly enacted by *HLOTHERE* and *EADRIC*, that the latter had obtained a share in the sovereignty—great dissensions however prevailed between them, and it is said that *HLOTHERE* attempted to nominate his own son, *Richard*, as his associate on the throne. *EADRIC* obtains the assistance of the South Saxons, who invade *Kent*—a battle takes place, in which *HLOTHERE* received a wound, of which he died, Feb. 6th, 685^b.

EADRIC.

685 *EADRIC* succeeded to the whole of the Kingdom, and reigned for about a year and a half, after which he came to an evil death, and a troubled period ensued, during which *Kent* became a prey to strange or intrusive Kings, until the accession of the “legitimate King,” *WIHTRED*^c: but the

in pugna *Australium Saxonum*, quos contra eum *Edric* filius *Ecgberti* adgregarat, et inter medendum defunctus. (Beda, iv. 26.)

[685 When *Hlothhere*, King of *Kent*, had himself reigned twelve years after the death of his brother *Egbert* who had reigned nine years, he died on the 6th of February, for he was wounded in a battle with the *South Saxons*, whom *Edric*, the son of *Ecgbert*, collected against him, and while under treatment died. (Bede, iv. 26.)]

^a *Kent* appears to have been under the supremacy of *Mercia* from this period, until it was reduced by *Egbert*.

^b Bede, iv. 26.

^c Bede’s expressions are of great importance, inasmuch as they shew his opinion of the royal dignity:—*Edric* anno uno ac dimidio regnavit: quo defuncto, regnum illud per aliquod temporis spatium Reges dubii vel externi disperdiderunt; donec legitimus Rex *Uictred*, id est filius *Ecgberti*, confortatus in regno, religione simul et industria, gentem suam ab extranea invasione liberaret. (iv. 26.) [...*Edric* reigned for one year and a half; and after his death for some space of time Kings of doubtful title or foreigners ravaged that Kingdom, until the lawful King *Uictred*, that is the son of *Ecgbert*, being established in the

country never appears to have recovered its **Part II.**
political independence. **KENT.**

- 686} CEADWALLA, and his brother *Mollo*, or *Wolf*, CEADWALLA.
687} availing themselves of the internal dissensions of
the country, invade *Kent*, which they spoil. *Mollo*,
though on other occasions he was mild and humane,
ravages the country with extreme ferocity. The
men of *Kent* rally, and surprize *Mollo*, who takes
refuge in a hut, where he is burnt, with twelve of
his followers. CEADWALLA, however, appears
to have retained possession of the country till his
abdication in 688^a. (See above, p. 335.)
- 690} WIHTRED and WÆBHARD, or SWÆBHARD, WIHTRED and
693} were Kings of Kent about this time^b. SWÆBHARD.

Kingdom, by his piety and energy freed his people from foreign invasion. (iv. 26.)) Malmesbury notices the violent death of *Eadric* in the passage above quoted. *Richard*, the son of *Lothar*, is said to have survived his father, and to have died a monk, at Lucca. (Alford, I. 588.)

^a Malmesbury and Huntingdon have abridged materials not to be found in the existing chronicles.

^b þa wæron ii cyninges on Cent *Wihtræd* and *Wæbheard*. [At that time there were two kings in Kent, *Wihtræd* and *Wæbheard*.] Eo tempore erant duo Reges in *Cent*, non tam secundum stirpem regiam, quam secundum invasionem; scilicet *Uihtræd*¹ et *Webhard*. (Hen. Hunt.) [At that time there were two Kings in Kent, not of royal succession, but by intrusion, to wit *Uihtræd* and *Webhard*. (Henry of Huntingdon.)] If this latter statement be correct, this *Wihtræd* is not to be identified with the legitimate *Wihtræd*. These two kings were both reigning when *Beortwald*, Bishop of Rochester, was placed in that see, A.D. 693. Electus est, regnantibus in *Cantia* *Uictredo* et *Swabhardo*. (Beda, ii. 5.) Thorn describes *Wæbheard*, or *Swebhardus*, as an illegal intruder (p. 1770). Flor. Wigorn. alludes to him as holding part of the kingdom with *Wihtræd*:—*Wihtræd*, filius *Egberti*, confortatus in regno, religione simul et industria gentem suam ab extranea invasione liberavit. Cum quo Rex *Swebhardus* partem regni tenuit. [*Wihtræd* the son of *Egbert*, being established in the Kingdom, by his piety as well as by his energy, freed his people from foreign invasion. And with him King *Swebhard* held a part of the Kingdom.] In

Part II.
KENT.
WIHTRED.

694 *WIHTRED*, the legitimate King, assumes the government^a, and reigns 33 years. *INA* invades *Kent* in order to avenge the death of *Mollo*, but *WIHTRED* averts his vengeance by submission, and by payment of a heavy were, or blood fine. *WIHTRED* soon after his accession holds a great Council at *Baccanceld*, wherein laws are enacted for the protection of ecclesiastical property^b.

696—Aug. 6. *WIHTRED* holds a Witenagemot at *Berg-hamstead*, in which his laws, now extant, were enacted.

725—April 23. Death of *WIHTRED*. The kingdom^c descends to his sons, *ETHELBERT*, *EADBERT*,

Flores Hist. the latter is said to have been the brother of *Wihfred*.

^a The accession of *Wihfred* in this year is positively stated by the Saxon Chronicle, And *Wihfred* feng to *Cantwara* rice and heold xxxiii wintra. [And *Wihfred* succeeded to the kingdom of the Kentish people and held it thirty-three winters.] Perhaps the Chronicle only intended to notice the devolution of the whole kingdom to him on the death of *Webheard*. For the particulars of *Wihfred*'s submission, see *Huntingdon*.

^b In this statute he takes the title of *Withrædus gloriosus*, *Rex Canticæ*, or *Cantwara Cyng*. (*Sax. Chron.*) It was a mixed council, and the enactments are made by the advice of the Archbishop of Canterbury, and *Tobias*, Bishop of Rochester—cum *Abbatibus*, *Abbatissis*, *Presbyteris*, *Diaconibus*, *Ducibus*, et *Satrapis*. (*Concilia*, I. p. 47.)¹ [...with the Abbots, Abbesses, Presbyters, Deacons, Dukes and Satraps. (*Wilkins*, *Councils*, I. p. 47.)]

^c *Wictred filius Egbercti*, *Rex Cantuariorum*, defunctus est nono die Kalendarum Maiarum, et regni quod per viginta quatuor semis annos tenebat, filios tres *Ædilberctum*, *Eadberctum*, et *Alricum*, reliquit hæredes. (*Beda*, v. 23.)

[*Wihfred*, son of *Egberct*, King of *Kent*, died on the 23rd of April, and he left as heirs to the throne, which he had held for twenty-four and a half years, his three sons, *Ædilberct*, *Eadberct* and *Alric*. (*Bede*, v. 23.)]

Ego *ÆTHILBERHT*, *Rex Cantuariorum*....A.D. 741.

Ego *ÆTHILBERHTUS*, *Rex Canticæ*. *Cuthbertus*, Archiepiscopus. *Balthard* — *Duunwullen* — *Æthelhun* — *Aldberht*,

and *ALRIC—EADBERT* being considered as **Part II.**
possessing the supremacy^a. **KENT.**

— *EADBERT*^b, *ETHELBERT II.* and *ALRIC*—all ^{*EADBERT, ETHELBERT II.*}
under the supremacy of *Mercia*. *Eadbert* died in
748—*Ethelbert* in 762—*Alric* is supposed to have *ALRIC.*
survived, and to have died without issue, for in
him ended the line of the *Æscingas*. (Will. Malm.
de Gestis.)

752 Kentish men form a part of the army of *Æthelbald*.

762 *SIGERED*, King of half of Kent about this *SIGERED.*
time^c.

Præfectus. Dunuualthus, Pincerna — Æthelnoth. (Mon. I.
453.)

[I, *ÆTHILBERHT*, King of *Kent*...A.D. 741.

I, *ÆTHILBERHT*, King of *Kent*. *Cuthbert*, Archbishop.
Balthard, *Dunwallen*, *Æthelhun*, *Aldberht*, Prefect. *Dunwealh*,
Cupbearer—Æthelnoth. (Mon. I. 453.)]

From his name, we may conjecture that the Chief Butler
was a Briton.

^a At least this is the only supposition by which Bede, v. 23,
can be reconciled to the Chronicle¹. In this case we must consider
that the dates assigned by the latter, as the accessions of *Ethelbert*
and *Alric*, are the periods when further portions of the
divided kingdom were made over to them. *Malmesbury* adds,
that *Eadbert* reigned 23—*Ethelbert* 11—and *Alric* 34. But the
whole theory of the succession is extremely dubious; and it is
much more probable, that they, and perhaps their children,
divided the kingdom according to gavelkind custom.

^b In 741 he grants a charter, using the appellation of “*Eadbrith Eating*.” (Thorn, 2209.) Names ending in “ing” are
usually considered as indicating descent—was *Eata* the name
of his mother?

^c *SIGIRÆD*, *Rex Cantiaæ*, A.D. 762.....*Ego EADBERHT*,
Rex Cantiaæ, consentiens propria manu confirmavi. *Bregouwine*,
Archiepiscopus. Aldhun, Abbas. *Suwithun — Æthilhun —*
Esne—Egbald—Wighaad—Bunan—Heabeorht—Tiidheah. (Text.
Roff. pp. 69, 70.)²

[*SIGIRÆD*, King of *Kent*, A.D. 762.... I, *EADBERHT*, King
of *Kent*, consenting have confirmed with my own hand. *Brego-*
wine, Archbishop. *Aldhun*, Abbot. *Swithhun—Æthelhun—Esne*

Part II.
KENT.
EARDULF.

770 About this time *EARDULF*, supposed to be the son of *EADBERT*, was also King of Kent, or part thereof, together with *ETHELBERT*^a.

EGBERT and
HEAHBYRHT.

763) About this time *EGBERT* and *HEAHBYRHT* are
779) Kings of Kent^b.

—*Egbald*—*Wighard*—*Bunan*—*Heahbeorht*—*Tidheah*. (Rochester Text, pp. 69, 70.)]

SIGIEREDUS Rex dimidiæ partis provinciæ *Cantuariorum*. *Bregowinus*, Archiepiscopus. *Hereberht*, Abbas. *Baere*, Abbas. *Bruno*, Abbas. *Æscwald*, Presbyter. *Ecgbald*, Comes atque Præfectus. *Ealdhuun*—*Esne*—*Badohard*—*Æthelnod*. (Text. Roff. p. 76.)¹

[*SIGIRÆD*, King of half of the province of *Kent*. *Bregowine*, Archbishop. *Hereberht*, Abbot. *Baere*, Abbot. *Bruno*, Abbot. *Æscwald*, Presbyter. *Ecgbald*, Earl and Prefect. *Ealdhun*—*Esne*—*Beadohard*—*Æthelnoth*. (Rochester Text, p. 76.)]

^a His charters are extant, and he joins in a letter, addressed by Eardulf, Bishop of Rochester, to *Lullus*, Archbishop of Mentz. (Inter Ep. Bonifacii, 36.)² There may be some inaccuracy in the date of *Eardulf's* charter, as *Cuthbert*, according to the received succession, is supposed to have been dead in 762, but possibly, *Cuthberchtus* is an error for *Jaenberchtus* who then filled the see, and whose name is written with extraordinary variations.

“*EARDUULFUS*, Rex *Cantuariorum*,” grants *Holanspic* to the Church of Rochester, A.D. 762. Confirmed by *Cuthberchtus*, Archiepiscopus. *ÆTHILBERCHTUS*, Rex *Cantiæ*. *Balthard*—*Duunwalla*—*Æthelhun*—*Alidberht*—*Ruta*—*Folcwine*—*Uuiohtbrord*—*Balthhard*—*Badoheard*—*Beagnoth*—*Uualhhun*. (Text. Roff. p. 71.)³

^b There are three charters of “*Ecgerhtus*, Rex *Cantiæ*” preserved in the *Textus Roffensis* (p. 77, 79, 83) of which the first is dated 765, and the last in 778, and which is confirmed by—*Jaenberht*, Archiepiscopus. *Escwald*, Presbyter. *Uban*—*Boban*—*Uualhard*—*Ubban*—*Aldhun*—*Sigired*—*Esni*—*Eaniard*.⁴

Heaberht reigned in and during the reign of *Egbert*—one perhaps in East Kent, and the other in West Kent.

Ego *OFFA*, Rex *Merciorum*, regali prosapia *Merciorum* oriundus. cum consensu et licentia Archiepiscopi nostri *Bregowini* atque *HEABERHTI*, Regis *Cantiæ*, et principum nostrorum, A.D. 764.—Ego *Heaberhtus*, Rex, consensi et subscripsi. *Botwin*, Abbas. *Esne*—*Uhtred*—*Broerda*—*Eadbald*—

784 *ALCHMUND*, father of *Egbert*, afterwards King of **Part II.**
Wessex, reigned about this time^a. **KENT.**

Bertwald—Bobba—Cec—Hwithyse—Esne, frater ejus. *Badoheard* ^{*ALCHMUND.*}
—Egbald—Swithhun—Eangesl. (Text. Roff. p. 74.)¹

[I, *OFFA*, King of the *Mercians*, descended from the royal line of the *Mercians*,...with the consent and license of our Archbishop *Bregowine* and *HEABERHT*, King of *Kent*, and of our nobles. A.D. 764.—I, *Heabert*, King, have consented and appended my signature. *Botwin*, Abbot. *Esne*, *Uhtred*, *Broerda*, *Eadbald*, *Bertwald*, *Bobba*, *Cec*, *Hwithyse*, *Esne*, his brother. *Beadoheard—Egcbald*, *Swithhun*, *Eangisl.* (Rochester Text, p. 74.)]

^a To *pysan timan rixode Eahlmund Cyng* innon Cent; þes *Eahlmund* Cing was *Egberhtes fæder*. *Egberht* was *Aðulfes fæder*. [At this time King *Eahlmund* ruled in *Kent*; this King *Eahlmund* was *Egbert's* father. *Egbert* was *Athulf's* father.]

The time of his accession is unknown, but the subsequent events shew, that the Kentish men considered him as a rightful king. Perhaps he descended from *Hengist* by the female line. In 784 he grants a charter by the style of "*EALMUNDUS REX Canciæ.*" (Mon. I. 455.)² He seems to have been also known by the name of *Eanmund*, or rather *Eaumund*.

Ego *EANMUNDUS* Rex hanc piam donationem suprascriptam propria manu roborandam hoc signaculo sanctæ crucis expressi, in loco cujus vocabulum est *Godgeocesham*, præsentē venerabili Archiepiscopo *Bregowino* et consentiente, consilio quippe atque consensu omnium optimatum et principum gentis *Can-tuariorum*. Ego *Jaenberhtus*, Abbas, consentiens testis affui et subscripsi. Ego *Hwuæfred*, Abbas, consensi et subscripsi. Signum manus *Egesnoði*. Signum manus *Balthhardi*. Signum manus *Aldhuni*. Signum manus *Uda*. Signum manus *Puda*. (Text. Roff. pp. 76, 77.)³

[I, *EANMUND*, King, have impressed with this sign of the holy Cross this pious donation written above to be confirmed by my own hand in the place called *Godgeocesham*, in the presence of and with the consent of the venerable Archbishop, *Bregowine*, also with the consent and counsel of all the optimates and nobles of the people of *Kent*. I, *Jaenberht*, Abbot, was present as a consenting witness and subscribed. I *Hwuæfred*, Abbot, have consented thereto and have subscribed. The mark of the hand of *Egesnoth*. The mark of the hand of *Bealdhard*. The mark of the hand of *Aldhun*. The mark of the hand of *Uda*. The mark of the hand of *Puda*. (Rochester Text, pp. 76, 77.)]

Bregwine filled the archiepiscopal chair between 759 and

Part II.
KENT.
EADBERT
PRÆN.

796} About this time *Kent* was governed by *EADBERT*,
797} or *Ethelbert* (Thorn, 2238), surnamed *Præn*. *CEN-*
WULF invaded the country, which he ravaged.
The *Mersware*, or inhabitants of *Romney*, &c.
rebellling against *Præn*, deliver him into the power
of his enemies, by whom he was treated with
great severity. According to some accounts (*Sim.*
Dunelm. and *Sax. Chron.*) *CENWULF* "had *Præn*'s
eyes put out^a and his hands carved off." *CEN-*
WULF assumed the supremacy of *Kent*, which
he united to his empire: he took the crown and
placed it on his own head, and grasped the sceptre
in his hand, and having done so, he granted the
kingdom to his brother, *CUTHRED*, who governed
the same as a *Subregulus*, and under the supremacy
of *Mercia*. (See above, pp. 302, 303.)

CUTHRED.

805} Death of *CUTHRED*. *CENWULF* resumes the
811} direct government of *Kent*^b.

762, and *Eanmund* probably reigned over a part of the kingdom.

^a We collect from *Florence* of *Worcester* and *Malmesbury*, that *Præn* was led captive into *Mercia*, and the latter writer adds that upon the dedication of the church of *Winchcomb*, *Cenwulf* delivered him from captivity. *Eadbert* was the "cognatus" of *Egbert* (*Hunt.* 197), and he appears to have been thus cruelly mutilated by his own subjects, probably the *Mersware*, who surrendered him into the hands of his enemies. Fraud and tyranny were laid to his charge. *Carte*, who retained no agreeable impression concerning the name of *Præn* or *Prynne*, derives the surname from *Pregan*, to preach, and concludes that he was therefore a preacher, one of those "impudent tongue pads by whom the throne of *Kent* was usurped."

^b But still as a distinct kingdom, administered by its own *Witenagemot*, as appears from the following charter:—

In nomine Altithroni Dei summi Regis æterni. Ego *Ceonulfus*, Christi gracia Rex *Merciorum atque Provinciæ Canciæ*, dabo et concedo viro venerando *Uulfredo* metropolitanæ sanctæ *Salvatoris ecclesiæ* Archiepiscopo aliquam partem terræ juris mei a Deo data mihi potestate in propriam hereditariam, hoc est vii aratrorum in loco qui dicitur *Beoreham* pro estimacione pecuniæ ejus, xxx libras, cum omnibus usis ad se rite pertinentibus vel

— *SIGERED* about this time became King of “half of **Part II.**
Kent” under the *Mercian* supremacy. **KENT.**

819 Death of *CENWULF*, King of Kent and Mercia—*SIGERED.*
succeeded by *CEOLWULF*.

in sese habentes, silvis, campis, pascuis, pratis, venacionibus
fontanisque, perpetuæ libertatis munificentiæ tibi perfruendo
concessum sit.—Et post obitum tuum cuicumque tibi com-
placuerit in eandem condicionem semper heredibus tuis, qua
a me concessum est tibi. Ita per omnia sine aliqua lesionis
injuria eternaliter permaneat.

[The description of the land follows.]

Actum est Dominicæ Incarnationis Anno D ccc° viiii°. Indict.
ii. juxta monasterium qui dicitur *Crogedena* coram hiis testibus
quorum infra nomina caraxata digesta sunt.

Ego *Uulfredus*, gracia Dei Archiepiscopus, consensiens sub-
scripsi. Ego *Deneberhtus*, Episcopus. Ego *Heaberht*, Dux.
Ego *Beornod*, Dux. Ego *Ceolward*, Dux. Ego *Cynhelm*, Dux.
Ego *Wisheard*, Dux. Ego *Eatferd*, Dux. Ego *Wulfred*, Dux.
Ego *Ploesa*, Dux. Ego *Eadberht*, Dux. Ego *Ecguulf*, Dux.
Ego *Wigheard*, Pincerna.

Hanc predictam donacionem scripserunt Satrapes *Cantuari-
orum* Anno Dominicæ Incarnationis dccc°x°. Indictionis iii. in
civitate famosa quæ antiquo vocabulo *Dorovernia* dicitur.
Eciam eorum nomina subternotata ascribuntur.

Ego *Uulfredus*, gracia Dei Archiepiscopus canonice, consensi
et subscripsi. Ego *Esne*, Comes. Ego *Aldberht*. Ego *Wethere*.
Ego *Sigheard*. Ego *Esne*. Ego *Eadberht*. Ego *Hereferð*. Ego
Ældred. Ego *Wihfred*. Ego *Escberth*. Ego *Oscberht*. Ego
Bernoð. (Bib. Lamb. no. 1212, f. 404.)¹

[In the name of God, high-throned, supreme, the everlasting
King. I *Kenulf*, by the grace of Christ King of the *Mercians*
and of the Province of Kent, will give and do grant to the
venerable *Wulfred*, Archbishop of the metropolitan church of
the holy Saviour, a plot of land in my possession (since God
has granted me the right), for his hereditary ownership, namely
seven ploughlands in the place called *Berham*, in exchange for
its value of his money, thirty pounds; with all rights duly
pertaining thereto or possessing [*read* habentibus] in itself;
in woods, open fields, pastures, meadows, huntings and springs,
—let it be granted to you to be enjoyed in the bounteous gift
[*read* munificencia...perfruendum] of a perpetual freedom from
services.—And after your death to whomsoever you will, on the

Part II.

KENT.

BALDRED.

823 About this time *BALDRED* was King of Kent^a; perhaps he succeeded immediately on the death of *Cuthred*—he is attacked and expelled by *Egbert*, whom the Kentish men consider as their rightful sovereign. (See above, Wessex, p. 345.)

ETHELWULF.

825 *Egbert* appoints his son *ETHELWULF* as King of Kent, under his supremacy (see above, p. 306), and from this period Kent formed an integral portion of the Empire of *Wessex*, but, nevertheless, as forming (together with Sussex and Surrey) an apanage which might be held by the heir apparent to the crown, the eastern part of Wessex (see above, Asser, p. 354) being by right subordinate to the western part.

Asser.

same conditions to your heirs, as those on which I have granted it to you. And so may it remain for ever without any wrongful breach...

This was done in the year of our Lord's Incarnation 809, in the second Indiction, near the monastery which is called *Croydon*, in the presence of these witnesses, whose names are detailed in writing below.

I, *Wulfred*, by the grace of God Archbishop, have subscribed my assent thereto. I, *Deneberht*, Bishop. I, *Heaberht*, Duke. I, *Beornoth*, Duke. I, *Ceolward*, Duke. I, *Cynhelm*, Duke. I, *Wisheard*, Duke. I, *Eatferd*, Duke. I, *Wulfred*, Duke. I, *Ploesa*, Duke. I, *Eadberht*, Duke. I, *Ecgwulf*, Duke. I, *Wigheard*, Cupbearer.

This above-mentioned donation the Satraps of *Kent* recorded, in the year of our Lord's Incarnation 810, in the third Indiction, in that famous city which in the ancient tongue is called *Dorovernia* (*Canterbury*). Their names also are appended below;—

I, *Wulfred*, by the grace of God Archbishop, have in due form consented thereto and appended my signature. I, *Esne*, Earl. I, *Aldberht*. I, *Wethere*. I, *Sigheard*. I, *Esne*. I, *Eadberht*. I, *Hereferth*. I, *Ældred*. I, *Wihfred*. I, *Escherth*. I, *Oscberht*. I, *Bernoth*. (Lambeth MS. no. 1212, f. 404.)]

^a Probably under *Mercian* supremacy.—According to *Thorn* (p. 2238) his intrusion took place upon the death of *Cuthred*. *Thorn* had access in his own monastery to information which other chroniclers did not possess, and we may therefore reconcile his account with the charters, by assuming that *Baldred* began by obtaining one of the portions of the kingdom.

837
w f.

- 836} **ETHELWULF**, on succeeding to the crown of *Wessex*, **Part II.**
837} grants Kent to his eldest son, **ÆTHELSTANE**, to **WESSEX—**
be held under his supremacy^a. **KENT.**
ÆTHELSTANE.
852 **ÆTHELSTANE** dies without issue, upon which the **ÆTHELBERT**.

^a Obiit *Ecgbyrth* Rex potentissimus. Porro post obitum, *Athulf* successit in regnum *Ecgbyrhti* patris sui, regnumque *Cantuariorum* tradidit filio suo *Ethestano* et *East-Sexena* et *Suth-Sexena* et *Suthrie*, hoc est, orientalem partem, australem et mediam. (Ethelwerd, iii. 3.) [King *Egbert* the most powerful King died. Forthwith after his death *Athulf* succeeded to the throne of his father *Egbert*, and handed over the kingdom of *Kent* to his son, *Ethestan*, and *Essex*, *Sussex* and *Surrey*, that is the Eastern, South and Middle provinces. (Ethelwerd's Chronicle, iii. 3.)] On the whole it seems most probable, that *Athelstane* was the son of *Ethelwulf*, and not of *Egbert*. He is thus again denominated by Asser:—

852 Eodem anno *Æthelstan* Rex, filius *Æthelwulfi* Regis, et *Ealhere* Comes magnum paganorum exercitum in *Cantio*, in loco qui dicitur *Santwic* occiderunt. (Asser, p. 6.)

[852 In the same year, King *Æthelstan*, son of King *Æthelwulf*, and Earl *Ealhere*, slew a great army of pagans in *Kent*, in a place which is called *Sandwich*. (Asser, Life of Alfred, p. 6.)]

Ethelwerd, in his account of the family of *Ethelwulf* (iv. 2), which may be compared with the other statements (see above, p. 351), agrees with Asser. Fuère numero fratres quinque, primus *Ethelstanus*, qui et regnum obtinuerat simul cum patre suo; secundus *Ethelbald*, qui et occidentalium *Anglorum* Rex. Tertius *Ethelbyrht* Rex *Cantuariorum*. Quartus *Ethered* qui post obitum *Edelbyrhti* successit in regnum, qui et meus atavus. Quintus *Elfred* post omnes successor principatus totius, qui et atavus vester, amata consobrina *Mathildis*. [They were in number five brothers, first *Ethelstan*, who had held the throne conjointly with his father, the second *Ethelbald*, who also was King of the Western *English*. The third was *Ethelbyrht*, King of *Kent*. The fourth was *Ethered*, who after the death of *Edelbyrht*, succeeded to the kingdom; who is also my grand-sire. The fifth, *Elfred*, who was the successor to the whole Kingdom after the others and who is your grand-sire, beloved cousin *Mathild*.] See also the charters granted by *Athelstan* jointly with *Ethelwulf*. (See above, pp. 307, 308.)

Part II.
WESSEX—
KENT.
ÆTHELBERT.

kingdom reverts to Æthelwulf, who grants the same to ÆTHELBERT.

- 855 Æthelwulf uses the title of King of Kent—*ÆTHELBERT* being also “King” under his supremacy^a.
857 *ÆTHELBERT*, King of Kent (and also of Essex, Surrey, and Sussex^b) under the supremacy of his brother Æthelbald.

^a The Chronicle states, that Ethelbert became King of Kent, &c. on the death of *Ethelwulf*, in 857, but it appears from the following charter, that he was certainly in possession of the royal title in 855, and, according to the Chronicle of the Abbot of Peterborough (p. 15), he succeeded on the death of *Athelstane*.

In nomine trino divino. Ego ÆTHELUULFUS Rex Occidentalium Saxonum necnon et Cantuariorum pro decimatione agrorum quam Deo donante cæteris ministris meis facere decrevi, tibi *Dunne*, ministro meo, dabo unam villam quod nos *Saxonice*, *an haga* dicimus in meridie castelli *Hrobi*. A.D. 855. ÆTHELUULF, Rex. *Ceolnoth*, Archiepiscopus. ÆTHELBERHT, Rex. *Lullede*, Dux. *Æthelmod*, Dux. *Ælfred*, filius Regis. *Eadred*, Dux. *Æthelric*, Dux. *Cineheh*, Miles. *Milred*, Miles. *Ceolmund*, Miles. *Lulla*, Miles. *Æthelred*, Miles. *Wulflaf*, Miles. *Æthelred*, Miles. *Wæhtgar*, Miles. *Duduc*, Miles. *Osberht*, Miles. *Sigenoth*, Miles. (Text. Roff. pp. 102, 103.)¹

[In the name of the divine Trinity. I, ÆTHELWULF, King of the *West Saxons* and also of *Kent*, in respect (or place) of the tithing of lands which by the bounty of God I have decided to make to my other thanes, to thee, *Dunne*, my thane, I will give one township which we call in the *Saxon* tongue, *an haga*, situated to the south of *Rochester* castle. . . . A.D. 855 ÆTHULWULF, King. *Ceolnoth*, Archbishop. ÆTHELBERHT, King. *Lullede*, Duke. *Æthelmod*, Duke. *Ælfred*, the King's son. *Eadred*, Duke. *Æthelric*, Duke. *Cineheah*, Knight. *Mildred*, Knight. *Ceolmund*, Knight. *Lulla*, Knight. *Æthelred*, Knight. *Wulflaf*, Knight. *Æthelred*, Knight. *Wihtgar*, Knight. *Duduc*, Knight. *Osberht*, Knight. *Sigenoth*, Knight. (Rochester Text, pp. 102, 103.)]

^b Interea post obitum *Athulfi* Regis, ordinati sunt filii ejus in regnum: *Ethelbald* videlicet, super *Occidentales Anglos*, et *Æthelbyrht* super *Cantuarios* et *Orientales, Australes* quoque et *medios Anglos*. (*Ethelwerd*, iv. 1.)

[Meanwhile after the death of *Athulf*, the King, his sons were appointed to the throne: to wit, *Ethelbald* to the throne

Æthelwulf

- 860 **Æthelbert** succeeds to Wessex upon the death of **Part II.**
Æthelbald^a. **WESSEX—**
KENT.
- 866 **Æthered**, King of Wessex and of Kent^b. **ÆTHELBERT,**
Æthered.
- 900 “**Juti Cantiani**” said to have been subdued by **Edward the Elder**. (Wallingford, p. 538.)
- 925 Under **Æthelstane**, Kent continues as a separate, though subordinate kingdom, accepting the laws of *Wessex* upon such terms as appeared expedient to its own legislature. (See above, p. 170.)

of the *West Saxons*, and *Æthelbert* to the throne of *Kent* and the *East Saxons*, also the *Southern* and the *Middle Saxons*. (*Ethelwerd's Chronicle*, iv. 1.)]

^a *Æthelbald, Occidentalium Saxonum Rex defunctus est, . . . et Æthelberht frater suus Cantium et Suthrigam, Suthseaxam quoque suo dominio ut justum erat subjunxit.* (Asser, p. 24.)

[*Æthelbald*, King of the *West Saxons*, died; and *Æthelberht*, his brother, annexed *Kent*, *Surrey* and *Sussex* to his lordship, as was right. (Asser, *Life of Alfred*, p. 24.)]

^b Ego *ÆTHERED Rex Occidentalium Saxonum* necnon *Cantuariorum*, A.D. 868. (Text. Roff. p. 104.)¹

[I, *ÆTHERED*, King of the *West Saxons* and likewise of *Kent*, A.D. 868. (Rochester Text, p. 104.)]

Ego *ETHELRED, Rex Occidentalium Saxonum* non et *Cantwariorum*, cum consensu ac licentia meorum optimatum. . . . Actum est anno ab Incarnatione Domini decclxvii, Indictione xv. in Dorobernia cibitate. Ego *ETHELRED, Rex*. Ego *Eastmund, Dux*, consensi et subscripsi. Ego *Ealhheard, Abbas*. Ego *Heremod, Presb.* Ego *Mucel, Min.* Ego *Beorhtnoth, Min.* Ego *Forthred, Min.* Ego *Ethelwulf, Min.* Ego *Ethelred, Min.* Ego *Acca, Min.* Ego *Biarhtwulf, Min.* Ego *Mannel, Min.* (Bib. Cott. *Vespasian B* xxiv, f. 95.)²

[I, *ETHELRED*, King of the *West Saxons* and likewise (*read necnon*) of *Kent*, with the consent and license of my optimates. . . . This was done in the year after our Lord's Incarnation, 867, in the fifteenth Indiction, in the city of Canterbury. I, *ETHELRED*, King. I, *Eastmund*, Duke, have consented thereto and added my signature. I, *Ealhheard*, Abbot. I, *Heremod*, Presb. I, *Mucel*, Thane. I, *Beorhtnoth*, Thane. I, *Forthred*, Thane. I, *Æthelwulf*, Thane. I, *Ethelred*, Thane. I, *Acca*, Thane. I, *Biarhtwulf*, Thane. I, *Mannel*, Thane. (Cotton MS. *Vespasian B* xxiv, f. 95.)]

Part II. EALDORMEN, COMITES, AND EARLS OF KENT.

**WESSEX—
KENT.**

568 *Oslac. Cnebba.* (See above, p. 453.)

— "*Oswulf, Dux^a.*"

EALCHERE. 851 *EALCHERE*, or *EALHERE*, Ealdorman of Kent about this time. (Asser, p. 6.)

CEOLMUND. 897 Death of *CEOLMUND*, Ealdorman of Kent.

SIGEWULF and SIGEHELM. 904 } *SIGEWULF* and *SIGEHELM*, who appear to have
905 } been Ealdormen of *Kent*, who, together with *Sigebryht*, the son of *SIGEWULF*, and *Eadbald*, the King's Thane, were all killed in the battle of the Holme. (Ethelwerd.)

[*ÆGELMAR?*] 1007 } About this time one of the brothers of *EDRIC*
1012 } *STREONA^b* appears to have acted as Earl of *Kent^c*.—Slain by the "nobility" of the country.

GODWIN. 1035 *GODWIN* has been considered as Earl of Kent. (Thorn, p. 1779.—Flores Hist. ad An. 1035, 1036.) It was included in his Earldom, but there is no decided evidence to shew that he ever took his title from this shire in particular.

HAROLD. — Kent was afterwards included in *HAROLD's* Earldom.

975 *Wulfsige* was "Scirig-man," "Scirman," or "Judex Provincie" [Judge of the province], about this time^d.

^a In an original but undated grant of land made by him to the monastery of *Liming*, in the County of Kent, he is thus described. The donation notices his wife, Beornthryth. (Mon. I. 453.)¹

^b Perhaps *Ægelmar²*, the grandfather of Godwin. In Osbern's Life of St. Alphege (p. 232) he is called the Præfect. He is stated to have governed the province with great tyranny, despoiling the nobles of their inheritance—hence their vengeance. (See below, p. 511.)

^c See Domesday—Kent, and see above, p. 436.

^d Textus Roffensis, pp. 116, 120.³

MERSCWARE.

Part II.

WESSEX—
KENT.
HEREBRYHT.

- 838 *HEREBRYHT*, Ealdorman or Comes of this district, slain by the Danes.

The frontier of *Kent* does not appear to have sustained any alteration since the foundation of the Kingdom. The division of the country into East and West Kent, or rather into the Countries of the East Kentishmen and West Kentishmen (Text. Roff. p. 116, Sax. Chron. ad An. 999), has existed from immemorial antiquity, though probably not exactly according to the modern boundary^a.

SOUTH SAXONS.

SUSSEX

- 477 *ELLA*, and his three sons, *CYMEN*, *WLENCING*, *ELLA*.
or *PLENTING*, and *CISSA*, land, with three vessels, at the place afterwards called *Cymenesore*. Many Britons were slain by them—others driven into the forest called *Andredesleage*.
- 485 Battle between *ELLA* and the united forces of the Britons, who assemble under their “kings and tyrants” near “*Mearcredes burn stede*.”
- 490 } Fresh reinforcements arrive—*Andredesceastre* stormed
491 } by *ELLA* and *CISSA*—all the inhabitants put to the sword^b. From this period the kingdom of

^a Originally, the division appears to have been conterminous with the dioceses of Canterbury and Rochester. The *Merscware* are thought to have been the inhabitants of Romney Lathe.

^b Huntingdon has many details concerning these battles, not extant in the other chroniclers. They are important because they tend to explain how *Ella*, the sovereign of this small state, acquired the title of *Bretwalda*. He was opposed by a confederacy of British princes, whom he ultimately defeated, and

Part II.
SUSSEX.
Ælla.

Sussex was considered as established in the person of Ælla, the first Bretwalda or Emperor of *Britain* of Saxon race.

it is therefore possible, that from this confederacy, representing the British nations, he obtained the supreme dignity.

Igitur Dux *Aelle*, cum filiis suis et classe militaribus copiis instructissima, in *Britannia* ad *Cymenesore* appulerunt. Egredientibus autem *Saxonibus* de mari, *Britanni* clamorem excitarunt, et à circumadjacentibus locis innumeri convolarunt, et statim bellum initum est. *Saxones* verò statura et vigore maximi, impudenter eos recipiebant; illi verò imprudenter veniebant: nam sparsim et per intervalla venientes à conglomeratis interficiebantur, et ut quique attoniti veniebant, rumores sinistros ex improvise sentiebant. Fugati sunt igitur *Britanni* usque ad proximum nemus, quod vocatur *Andredesleige*. *Saxones* autem occuparunt littora maris *Sudsexe*, magis magisque sibi regionis spatia capessentes usque ad nonum annum adventus eorum. Tunc verò, cum audacius regionem in longinquam capesserent, convenerunt reges et tyranni *Brittonum* apud *Mercedesburne*, et pugnaverunt contra *Aelle* et filios suos, et fere dubia fuit victoria; uterque enim exercitus valdè læsus et minoratus, alterius congressum devovens, ad propria remearunt: misit igitur *Aelle* ad compatriotas suos, auxilium flagitans. (Hen. Hunt. ii.)

[Duke *Ælle* therefore, with his sons and with a fleet fully manned by warlike forces, landed at *Keynor* (or *Shoreham*) in *Britain*. As the *Saxons*, however, were disembarking from their ships, the *Britons* raised a shout and, from the places close by, flocked together in countless numbers, and immediately a battle was begun. The *Saxons* indeed, who are of immense stature and vigour, received them with impudent assurance, while they advanced imprudently; for coming on as they did dispersedly and in open order, they were slain by their massed enemy; and as each body came up in astonishment, they suddenly became aware of the disastrous confusion. The *Britons* therefore were repulsed as far as a forest near by, which is called the *Andred Weald*. The *Saxons* on the other hand seized the sea shore of *Sussex*, taking for themselves more and more of the territory of that district until the ninth year from their arrival. Then indeed, when increasing in boldness they attempted to capture a district at a greater distance, the Kings and rulers of the *Britons* assembled at *Mercedesburn* and fought against *Ælle* and his sons, and the victory was very

518 CISSA succeeds to the kingdom about this time. **Part II.**

WULFHHERE. 648 } *ETHELWALD*, *ÆDILUALCH*, or *ETHELWALCH*, **SUSSEX.**
661 } King of the *South Saxons* about this time—in 661 **CISSA.**
he submitted to the supremacy of WULFHHERE *ETHELWALCH.*

of Mercia, from whom he obtained a grant of the *Isle of Wight*, and of the "*Meanwara Mægth*," conquered from the kingdom of Wessex. (See above, p. 334.) Married to *Eaba*, daughter of *Eanfrid*—brother of *EANHERE*, King of the *Hwiccians*^a. fMercia.

CEADWALLA. 683 About this time *ETHELWALCH* appears as a *ETHELWALCH*.
Subregulus of CEADWALLA^b.

much in doubt; for both armies were severely crippled and reduced and each declining an encounter with the other, they returned to their respective homes; *Ælle* therefore sent a message to his compatriots, begging for help. (Henry of Huntingdon, ii.)]

^a Bede, iv. 13. Flores Hist.

^b The charters of the ancient see of *Selsey*, preserved in the register of the Bishopric of *Chichester*, from whence they have been published by Dugdale, are, as they appear in the Monasticon (VI. 1162, &c.), full of the most extraordinary corruptions. The register cannot be very ancient, it is perhaps later than the reign of Edw. I., and it may be supposed that such corruptions arise from the oscitancy and ignorance of the monkish transcriber, who could not read the character of the originals. It is rather singular, that excepting in this instance of *Selsey*, none of the dioceses, such as *Sherborne*, *Elmham*, *Crediton*, and *Dorchester*, whose sees were removed from their ancient seats to other cities, possess any of their ancient muniments. With respect to the *Selsey* charters, I quote them as they now appear, without attempting to explain the difficulties which they offer. According to the *Chronicles*, *Ethelwalch* was slain by *Ceadwalla*, before the latter obtained the throne of *Wessex*, yet it is very possible that *Ceadwalla* may have taken the royal title at an earlier period.

CEADWALLA Rex, cum consensu *WILFRIDI* Archiepiscopi, et *Ethelwaldi* Subreguli, cæterorumque cum eis Episcoporum, Ducum, Optimatumque *Angliæ*¹ [King CEADWALLA, with the approval of *WILFRID* the Archbishop and *Ethelwald*, the sub-king, and of the other bishops, dukes and nobles of *England* with them]—grants the land of fifty-five tributarii in *Selsey*, for the foundation of a monastery. Amongst the

Part II. 685} CEADWALLA invades the country of the South
 SUSSEX. 686} Saxons—*ETHELWALCH* is slain—CEADWALLA
 is expelled for a short time by the two Ealdormen
 or Duces, *BERTHUN* and *HUNE* (or *ATHEL-
 HUN*), who appear to have assumed the govern-
 ment of the kingdom^a; yet it seems from this
 time to have continued under the supremacy of
 Wessex until the conquests of OFFA.

*BERTHUN.
 ATHELHUN.*

Wessex.

signatures appears that of *Ealdulfus, Dux Suthsaxonum*.—Wilfrid probably continued to take the style of an archbishop, as rightfully belonging to his person, though he had been unlawfully deprived of his see of York. (Mon. ut supra.)

^a Interea superveniens cum exercitu *Caedwalla*, juvenis strenuissimus de regio genere *Geuissorum*, cum exularet a patria sua, interfecit Regem *Aedilualch*, ac provinciam illam sæva cæde ac depopulatione attrivit; sed mox expulsus est a Ducibus Regis, *Bercthuno* et *Andhuno*, qui deinceps regnum provinciæ tenuerunt: quorum prior postea ab eodem *Caedwalla*, cum esset Rex *Geuissorum*, occisus est, et provincia graviore servitio subacta. Sed et *Ini* qui post *Caedwallam* regnavit, simili provinciam illam afflictione plurimo annorum tempore mancipavit. Quare factum est ut toto illo tempore Episcopum proprium habere nequiret; sed revocato domum *Uilfrido* primo suo Antistite, ipsi Episcopo *Geuissorum*, id est, *Occidentalium Saxonum* qui essent in Venta civitate, subjacerent. (Beda, iv. 15.)

[Meanwhile *Ceadwalla* coming up with his army, a very vigorous young man of the royal race of the *Geuissi*, when he was in exile from his country, slew King *Aedilualch* and wasted his province with savage bloodshed and ravage, but soon afterwards he was driven out by the King's Dukes, *Bercthun* and *Andhun*, who in succession held the government of the province. The former of these was later killed by this same *Ceadwalla*, when he was King of the *Geuissi*, and the province was reduced under a stricter rule. But *Ini* too, who reigned after *Ceadwalla*, kept this province under similar oppression for a great number of years. Wherefore it came to pass that during all that time it could have no Bishop of its own, but after its first Bishop *Wilfrid* had been called home, they were subject to the Bishop of the *Geuissi*, that is, of the *West Saxons*, who were in the city of Winchester. (Beda, iv. 15.)]

By Alfred, in his version, the Ealdormen are called *Berthune* and *Hune*¹, an important variation. The expressions employed

686 *BERTHUN* slain by *CEADWALLA*.

Part II.
SUSSEX.

NA.

693 *INA* continues to exercise the rights of sovereignty in *Sussex*, in which three kings,—*HUNA*, *NUMA*, or *NUNNA* — *NOTHELM* — and *WATTUS*^a, govern under his supremacy.

HUNA, or
NUMA,
WATTUS,
NOTHELM.

by Bede and Florence imply, that *Berthun* and *Hune* assumed the royal power, and this circumstance lessens the apparent incongruity of so many concurrent “kings” in so small a compass.

* The following charters (Mon. ut supra), which relate to these obscure reguli, must, in the mercantile phrase, be quoted “errors excepted” :—

In nomine Domini nostri Salvatoris. Ego *Bruny*, Dux *Suthsax*, partem agri juris mei, &c. concedo *Eadbyrto*, Abbati. Ego *NUMA*, Rex, hanc donationem consensi et subscripsi. Ego *WATTUS*, Rex, consensi et propria manu scripsi¹.

[In the name of the Lord our Saviour. I, *Bruny*, Duke of the *South Saxons*, grant to Abbot *Eadbert* a portion of land in my possession. I *NUMA*, King, have consented to this gift and have signed. I *WATTUS*, King, have consented and signed with my own hand.]

In nomine Domini, &c. Ego *NOTHELMUS*, Rex *SUTHSEX*, pro remedio animæ meæ, &c. tibi *Nothgida* sorori meæ aliquam terræ partem libenter dabo, ad construendum in ea monasterium, &c. Ego *NUMA*², Rex *Sussex*, consensi et subscripsi. Ego *WATTUS*, Rex, consensi et subscripsi. Ego *COENREDUS*, Rex *West Sax.*, consensi et subscripsi. Ego *INE*, consensi et propria manu scripsi³.

[In the name of the Lord, &c. I, *NOTHELM*, King of the *SOUTH SAXONS*, for the healing of my soul, &c. will freely give to you, *Nothgithe*, my sister, a portion of land to build a monastery on. I, *NUMA*, King of the *South Saxons*, have consented and signed. I, *WATTUS*, King, have consented and signed. I, *COENRED*, King of the *West Saxons*, have consented and signed. I, *INE*, have consented and signed with my own hand.]

WATTUS is perhaps a latinization of *Wada*, a name which often occurs. As there was no King of Wessex named *Cenred*, it is possible that the transcriber has been deceived by a practice very common in ancient transcripts, viz. of turning the line upwards when the writer was pressed for room; by which

Part II.
SUSSEX.

OSMUND.
ETHELBERT.

SIGEBERT.

758 }
772 } OSMUND reigned in Sussex^a.
— ETHELBERT, King of Sussex^b.
796 SIGEBERT^c.

Offa.

Cenwulf.

arrangement, the end of a lower line appears to form a part of the preceding, thus—

subscripti. Ego Coenredus | Rex West Sax.
consensi et subscripti. Ego Ine
consensi et propria manu, &c.

It is not, however, impossible, that this Cenred may have been the father of Ina, to whom his son granted some part of Wessex, with the title of King, and that hence he joined in Ina's enactments. This observation did not occur to me when writing the Note (Part I. pp. 339—340.)

It is stated in the new edition of the Monasticon (VI. 1159) that a copy of *Numa's* Charter of 714 has been found, in which the name of *Numa* is written *Nunna*—possibly *Nunna*, the kinsman of *Ina* (see above, p. 335). I still continue to believe that the name is *Hun*, or *Hunna*, the capital N, in very early manuscripts, approaching so nearly to the form of an H as to render it extremely probable that the letters may have been confounded.

^a See Flor. Wigorn. ad an. 758. Two charters granted by *Osmund*, though offering many difficulties, are supported by the testimony of Florence. He takes the title of "*Osmundus Rex*,"—the first is dated a.d. dclxii (by mistake for declxii)¹. The other is confirmed by *Offa*, and also by *Brodde*, Dux. *Berthwald*, Dux. *Eadbald*, Dux. *Esne*, Dux, &c.² In 771 *Offa* conquered the "*gens Hestingiorum*," sometimes placed in Sussex (but see below, p. 485, note b).

^b Of him there is one charter without date, in which he assumes the style of *Ethelbertus Rex Sussaxonum*. It is confirmed by *Offa*, Rex, and *Osendred* (i.e. *Cwendred*) Regina. (Mon. ut supra.)³ He is perhaps the *Ethelbert* who takes the title of "*Rex Occidentalium (Australium) Saxonum seu Cantuariorum*," in two charters, dated 781 and 790, but which offer many difficulties. (Text. Roff. pp. 85, 92.)

^c According to Wallingford, *Sigebert* was King of the South Saxons for one year, previous to the conquest of the country by *Cenwulf*, an event which he places about the period of the conquest of Kent.

- 828 Sussex submits to *Egbert*. (See above, p. 345.) **Part II.**
 From this period Sussex and Surrey appear to **SUSSEX.**
 have been considered as integral portions of the
 Empire of Wessex, but as annexed to the Kingdom
 of Kent, and passing with it.
- 836 *ÆTHELSTANE*, King of *Sussex*, under the supremacy
 of his father, *ÆTHELWULF*. (See above, pp. 351,
 465.)

*DUCES AND EALDORMEN, &c. OF THE
 SOUTH SAXONS.*

- *BERTHUN* and *ÆTHELHUN*. (See above, p. 472.) *BERTHUN.*
ÆTHELHUN.
- 693 *BRUNY*. (See above, p. 473, note a.) *BRUNY.*
- 780 *OSLAC*^a. *OSLAC.*
- *ALDWULF*, or *EADWULF*^b. *ALDWULF.*
- 982 Death of *EDWIN*, Ealdorman or Dux of the South *EDWIN.*
 Saxons.
-
- 897 Death of *Eadulf*, the King's Thane in *Sussex*^c. (*Eadulf.*)
Cyninges Thegn on Suth Seaxum.
- 1007 *Wulfnoth* "Cild"^d or Thane of the South Saxons (*Wulfnoth.*)
 (father of Godwin) about this time.

^a *Ego Oslac Dux Suthsax*, confirmed by "*Offa*, Deo donante
Rex Merciorum," and by "*Eadulf*." (Mon. ut supra.)¹

[*I, Oslac, Duke of Sussex*,... "*Offa*, by the gift of God King
 of the *Mercians*"... "*Eadulf*." (Mon. as above.)]

^b Of him there are two charters, in which he assumes the
 title of "*Dux Suthsaxonum*," making such grants with the
 consent of *Offa*. (Mon. ut supra.)²

^c *Eadulf* in *Suth Saxonia*, Regis Minister. (Flor. Wigorn.)
 He was one of the "Custodes" appointed by *Alfred* to defend
 the kingdom against the Danes. (Flores Hist.)

^d *Suth Saxonum* Minister *Wulnoth*. (Flor. Wigorn. and see
 below, p. 511.)

Part II.

MERCIA—
SURREY.SURREY^a.

FRITHEWALD.

FRITHEWALD^b, Subregulus of *Surrey*, under the supremacy of WULFHERE, King of *Mercia*. Married to Welburga, daughter of Penda.

^a No notices of the first settlement of "Suthrige," or the Southern Kingdom (so called with respect to Middlesex) are preserved; but it seems to have belonged to Wessex from a very early period, as it was included in the original Diocese of Winchester.

^b Restorer of the Abbey of Chertsey, to which monastery he granted a charter, containing the following passages:—

Ego FRITHEUUALDUS *Provinciae Surrianorum* Subregulus Regis WLFARII *Mercianorum*....

Et Ego FRITHEUUALDUS, qui donator sum una cum *Erkenualdo* Abbate, signum sanctæ crucis *pro ignorantia literarum expressi*. Signum manus *Frithurici* testis. Signum manus *Ebbi* testis. Signum manus *Egwaldi* testis. Signum manus *Baduualdi* testis. Signum manus *Ceaddi* testis. Similiter *Humfridus* Episcopus rogatus ab Abbate *Erkenualdo* manu propria subscripsit.—Et isti sunt Subreguli qui omnes sub signo suo subscripserunt. Signum manus *Frithewuoldi* testis. Signum manus *Osrici* testis. Signum manus *Wigherdi* testis. Signum manus *Æthelwuoldi* testis. Et ut firma sit hæc donatio, et confirmacio stabilis, a *Wlfario* Rege *Mercianorum* confirmata est hæc cartula: nam et super altare posuit manum suam in villa quæ vocatur *Thamu*, et manu sua signo sanctæ crucis subscripsit. Acta sunt hæc juxta villam *Frithewuoldi*, juxta supradictam fossatam *Fullingadich*. (Mon. I. 426.)¹

[I, FRITHEWALD, of the *Province of Surrey* sub-King of King WULFHERE of the *Mercians*....

And I, FRITHEWALD, who am the donor together with *Erkenwald*, Abbot, have formed the sign of the holy Cross *because of my ignorance of writing*. The mark of the hand of *Frithuric*, witness. The mark of the hand of *Ebbi*, witness. The mark of the hand of *Egwald*, witness. The mark of the hand of *Beaduweald*, witness. The mark of the hand of *Ceadda*, witness. In a similar way *Humfrid*, Bishop, when asked by Abbot *Erkenwald*, subscribed with his own hand. And these are the sub-Kings; all of whom have subscribed after their mark. The mark of the hand of *Frithewald*, witness. The

- 823 Men of *Surrey* submit to *Egbert* as their rightful sovereign. Part II.
WESSEX—
SURREY.
- 836 *ÆTHELSTANE*, son of *ÆTHELWULF*—King of *Surrey*, under the supremacy of his father. (See above, pp. 351, 465.) ÆTHELSTANE.
- 853 *HUDA*, or *WADA*, Ealdorman of *Surrey*, slain^a. *HUDA*.
(Sax. Chron. Asser. Sim. Dunelm.)
- 857 *ÆTHELBERT* succeeds to *Surrey* upon the division of the dominions of *ÆTHELWULF*. (See above, p. 354.) ÆTHELBERT.

MERCIA. ANGLES.

MERCIA.

- 585 Kingdom of the *Mercians* said to have begun under *CRIDA*.
CREODA, or *CRIDA*^b.

mark &c. of *Osrc*, witness. The mark &c. of *Wigheard*, witness. The mark &c. of *Æthelwold*, witness. And in order that this donation may be firm and its confirmation lasting, this charter has been confirmed by *Wulfhere*, King of the *Mercians*; for he placed his hand on the altar in the town which is called *Thame* and besides subscribed with his own hand with the sign of the holy cross. This was done near the town of *Frithewald*, near the above-mentioned ditch of *Fullingadich*. (Mon. I. 426.)]

Wulfhere confirms the donation of "*Frithewaldus* Sub-regulus," by another charter without date¹. And there is a third charter² of *Frithewald*, with the date of dccxxvii, which is probably an error for delxvii, as the history of the monastery places its foundation in 666.

^a Asser, p. 7, and Hoveden.

^b According to Huntingdon, the first settlement of East Anglia and Mercia took place about the time that Cerdic and Cynric gained the victory of Cerdicesford:—

Ea tempestate venerunt multi et sæpe de Germania, et occupaverunt *East Angle* et *Merce*, sed ne dum sub uno rege redacti erant; plures autem procures certatim regiones occupabant, unde innumerabilia bella fiebant. Procures vero, quia multi erant, nomine carent. (Hen. Hunt.)

[At that time many men came and at frequent intervals from Germany and occupied *East Anglia* and *Mercia*, but they

Part II.
MERCIA.

593 Death of CRIDA (Sax. Chron.) first King of the
Mercians.

WIBBA.

— WIBBA, son of CRIDA^a, reigned three years.
(Flores Hist.)

GEORL.

— GEORL^b, or CHARLES, kinsman of WIBBA, King

were not yet reduced under one King; several nobles on the contrary vied with one another in seizing these regions, whence arose wars innumerable. Indeed the nobles, because they were many, are not mentioned by name. (Henry of Huntingdon.)]

According to Flores Hist. these settlements were concurrent with the occupation of Essex:—

Anno gratiæ 527, Justinianus Romanum suscipiens imperium, annis 38 imperavit. Eodem anno venerunt de Germania pagani, et occupaverunt *Estantliam*, id est, regionem illam, quæ orientalium *Anglorum* regio dicitur, quorum quidam *Merciam* invadentes, bella cum *Britonibus* plurima peregerunt. Sed quoniam proceres eorum erant multi, nomine carent. Eodem anno, regnum *Orientalium Saxonum*, quod modo *Estsaxia* dicitur, originem sumpsit, quod primus, ut creditur, tenuit *Erkenwinus*, qui fuit filius *Offæ*, qui fuit *Bredecani*, qui fuit *Sigewulf*, qui fuit *Spetwæ*, qui fuit *Gesac*, qui fuit *Andessc*, qui fuit *Saxnad*, qui fuit *Woden*. (Flor. Hist. p. 99.)¹

[In the year of grace 527, Justinian receiving the Roman Empire, reigned for 38 years. In the same year pagans came from Germany and seized *East Anglia*, that is that region, which is called the region of the *Eastern Anglians*, some of whom invading *Mercia*, carried on very many wars with the *Britons*. But since their nobles were numerous, they are not mentioned by name. In the same year the Kingdom of the *Eastern Saxons*, which is now called *Estsaxia*, had its origin, because, as is believed, the first to rule it was *Erkenwine*, who was the son of *Offa*, who was the son of *Bedeca*, who was the son of *Sigewulf*, who was the son of *Spetua*, who was the son of *Gesac*, who was the son of *Andessc*, who was the son of *Saxnad*, who was the son of *Woden*. (Flowers of the Histories.)]

^a *Wibba*, or *Wippa*, reigned in Mercia about the period when *Ethelbert* was converted. (Hunt.)

^b "*Cearl*, Rex *Merciorum*" [*Cearl*, King of the *Mercians*], is incidentally mentioned by Bede (ii. 14), but his name does not appear in the Saxon Chronicle or Malmesbury. According to Huntingdon (p. 181), he was the "consanguineus" [blood relation] of "*Wibba*."

of Mercia. His daughter, *Quænburga*, married to **Part II.**
Edwin of Northumbria. Reigned 10 years. **MERCIA.**

626 PENDA¹, son of WYBBA, separates *Mercia* from PENDA.
Northumbria^a. Reigns 30 years.

633 PENDA, in alliance with CADWALLA, and other
 British kings, wages war against *Northumbria*.
 (Bede, ii. 12.)

645 *Cenwealh* expelled from *Wessex* by PENDA.

653 PEADA, the son of PENDA, and "Ealdorman" of
 the *Middle Angles*, baptized^b.

^a Malmesbury and the Genealogist seem to consider Penda as the first King of the Mercians, but Ceorl certainly bore that title before him:

Penda filius Pibba (Wibba) regnavit decem annis; ipse primus separavit regnum Merciorum a regno Nordorum et Onnan regem Easter-Anglorum, et Sanctum Osuualdam regem Nordorum occidit per dolum.....ipse fuit victor per diabolicam artem. Non erat baptizatus, et nunquam Deo credidit. (Geneal. appended to Nennius, p. 117.)

[*Penda the son of Pibba (Wibba) reigned for 10 years; he was the first to separate the Kingdom of the Mercians from the Kingdom of the Northmen, and slew by treachery Onna, King of the East Angles, and St. Oswald, King of the Northmen....he himself gained the victory by his diabolical plot. He was not baptized and never believed in God.* (Geneal. appended to Nennius, p. 117.)]

....Anno Dominicæ Incarnationis 626, post mortem *Hengisti* anno 139, *Penda* quidam filius *Wibbæ* a *Wodenio* decimus, stirpe inclytus, bellis industrius, idemque phanaticus et impius, apud *Mercios* regis nomen præsumpsit. (Will. Malm. de Gestis Regum, i. 4.)

[...In the year of Our Lord's Incarnation 626, being the one hundred and thirty-ninth year after the death of *Hengist*, one *Penda*, son of *Wibba*, the tenth in descent from *Woden*, of illustrious stock and zealous in warlike matters, and at the same time fanatical and unbelieving, assumed the title of King among the *Mercians*. (William of Malmesbury, Acts of the Kings, i. 4.)]

^b Huntingdon seems to consider the names of Middle Anglia and Mercia as synonymous.

Part II.
MERCIA.
 PENDA.

655 PENDA, and thirty Duces, his allies, amongst whom is *Ædilhere*, brother of *ANNA*, King of the *East Angles*, defeated on the banks of the *Winwid*^a, by *Ɔstwió*, King of Northumbria—PENDA is slain, and *Ɔstwió* governs Mercia for about three years. (Bede, iii. 24.)

PEADA.

PEADA, son of PENDA, and brother-in-law of *Ɔstwió*, receives from the latter the Kingdom of *South Mercia*, separated by the *Trent* from *North Mercia*^b.

656 PEADA slain by the treachery of his wife.

Ɔstwió becomes direct sovereign of the whole country.

WULFHHERE.

656 The Mercian Duces, or Ealdormen, *IMMIN*, *EAF*^a, and *EADBERT*^c, rebel against *Ɔstwió*—expel the Ealdormen of the “strange king”; and WULFHHERE, son of *Penda*, whom they had concealed

^a The translator of Huntingdon has preserved the sense of a traditionary *stave* relating to this battle:—

In *Winwed* amne vindictus est cædes *Annæ*,
 Cædes regûm *Sigbert* et *Ecgrice*,
 Cædes regûm *Oswald* et *Edwine*.

[At the river *Winwed* the slaying of *Anna* was avenged,
 The slaying of the Kings *Sigebert* and *Ecgric*,
 The slaying of the Kings *Oswald* and *Edwin*.]

^b Quo tempore donavit præfato *Peada*, filio Regis *Pendan*, eo quod esset cognatus suus, regnum *Australium Merciorum* qui sunt, ut dicunt, familiarum quinque millium. (Beda, iii. 24.) [And at this time he presented to the aforesaid *Peada*, son of King *Penda*, because he was his relative, the Kingdom of the *South Mercians*, who are composed, it is said, of five thousand families. (Bede, iii. 24.)] Tha seondon, thæs the menn cwethath, fif thusendo folces, and tha synd tosceadenne mid Treontan streame with North Mercum, thara londes is seofon thusendo. (Alfred’s Version.) [They are, as men say, five thousand families, and they are divided by the river *Trent* from the North Mercians whose land has seven thousand. (Alfred’s Version of Bede.)]

^c Two of these Ealdormen, *Immin* and *Eadbert*, are amongst the King’s “Theonest-men” (Retainers), who with other members of the Witenagemot, confirm the foundation charter of *Medhamstede*. (Sax. Chron. p. 45.)

(probably to save his life), succeeds to the King- **Part II.**
doms of the *Mercians* and *Middle Angles*^a. (Bede, **MERCIA.**
iii. 24.)

661 War between WULFHERE and CENWALH. ~~W~~ulf- WULFHERE.
here conquers the Isle of *Wight* from Wessex (see
above, p. 334) which he bestows upon *ETHEL-*
WALD, King of the South Saxons (Bede, iv. 13),
and he adds to his style, the title of King of the
Southern Kingdoms.

661 About this time *FRITHEWALD* was Subregulus of
Surrey, under ~~W~~ulfhere. (See above, p. 476.)

666 ~~W~~ulfhere promotes *Uini* (Wine) to the see of London.
(Bede, iii. 7.)

672 *Wynfred* ordained Bishop of *Mercia*, *Middle Anglia*,
and *Lindesay*, all subject to ~~W~~ulfhere. (Bede,
iv. 3.)

MERWALD, King of the "Western part of Mercia"
(i.e. Westhecana or Herefordshire) about this time^b
—also called King of Mercia. (Sim. Dunelm. p. 89.)

^a He assumed the style of "WULFHERE Dei beneficio
Rex Merciorum et Mediterraneorum Anglorum, Australiumque
regnorum.—A.D. 664." (Mon. I. 378.)¹ [WULFHERE, by
the favour of God, King of the *Mercians* and of the *Middle*
Angles and of the Kingdoms of the *South*. (Mon. I. 378.)]
Mercia and *Middle Anglia* were considered as being two
distinct nations.

Bede remarks upon the induction of *Diuna* (658) to be Bishop
of the *Mercians* and *Middle Angles*:—"Paucitas enim sacerdotum
cogebat unum antistitem duobus populis præfici." (iii. 21.)
[For the scarcity of priests made it obligatory that one bishop
should be appointed over the two peoples.]

^b Fuerunt germani regis *Wulfere*, *Etheldredus* qui post eum
gubernavit, *Penda* qui *Australium Anglorum* regnum tenuit, et
Merwald qui in *occidentali plaga Merciorum* regnum tenuit.
Cui Regina sua *Ermenburga*, Regis *Ermenredi* filia, peperit tres
filias, *Milburgam*, *Milgidam*, et *Mildridam*, unumque filium
Merewinum. (Acta Sanct. Junii IV. p. 510, and Flor. Wigorn.
p. 691.)

[These were the brothers of King *Wulfhere*, *Ethelred* who
reigned after him, *Penda*, who held the throne of the *South*

- Part II. 675 ~~Æthelbert~~ dies—ETHELRED, son of ~~Þenda~~, suc-
 MERCIA. ceeds.
 Ethelred. 697 *Ostrytha*, ETHELRED's Queen, and sister of ECG-
 FRITH of Northumbria, slain by the South-
 humbrians^a.
 702 *CENRED* succeeds to Southhumbria.
 CENRED. 704 ETHELRED resigns in favour of *CENRED*^b, his
 "patruelis" [see below], who succeeds to all Mercia,
 and in whose days there were many battles with
 the Britons^c.
 709 *CENRED*^d resigns his crown, and is succeeded by
 CEOLRED. 709 CEOLRED.
 715 Battle between CEOLRED and INA, at *Wodnes-*
burgh.

Angles, and *Merwald*, who held the throne in the western region of the *Mercians*. And his Queen *Ermenburga*, daughter of King *Ermenred*, gave birth to three daughters, *Mildburga*, *Mildgida* and *Mildred*, and one son *Merewine*. (Acts of the Saints, June, IV. p. 510, &c.)]

^a The Southhumbrians are particularly noticed as having killed their queen. (Flores Hist. Flor. Wigorn. Bede, v. 24.)

^b *Æthelredus Merciorum Rex*...monachus factus, *Kenredo* suo patrueli regnum dedit. (Flor. Wigorn.)

[*Æthelred*, King of the *Mercians*, became a monk and handed over the Kingdom to *Kenred*, his "patruelis."¹ (Florence of Worcester.)]

^c Contigit itaque in diebus *Coinredi Merciorum Regis*, cum *Brittones* infesti hostes *Saxonici* gentis, bellis, prædis, publicisque vastationibus *Anglorum* gentem deturbarent, &c. (Vita Sci. Guthlaci, Acta Sanct. Aprilis II. p. 39.)

[And so it happened in the days of *Coenred*, King of the *Mercians*, when the *British*, the deadly enemies of the *Saxon* race, were harassing the *English* people with wars, plunderings, and general devastation. (Life of St. Guthlac, Acts of the Saints, April, II. p. 39.)]

^d According to Wallingford (p. 527), *Cenred* only reigned as Regent; the Crown having been entrusted to him during the minority of *Ceolred*, the son of *Ethelric*. This writer also considers him as the father of *Ina*.

716 **Æthelbald**^a, son of *Alweo*, son of *Eawa*, son of *Wybba*, **Part II.**
succeeds upon the death of **CEOLRED**—reigns **MERCIA.**
41 years, and obtains the supremacy over all the **Æthelbald.**
Kings of the English.

728 **Æthelbald** invades the British territories.

728 Battle of Mount Carno, of which, according to the
Welsh (*Wynne's Caradoc*, p. 16), the result was
dubious, and there can therefore be little doubt
but that they were worsted.

733 **Somerton** taken by **Æthelbald**.

742 Great Council held at **Clofesho**, in which **OFFA**
attends as "**Patricius**^b."

^a *Ethelbald* superbus prædavit Northumbre, vicitque gentem
Walliæ, præfuitque Regibus omnibus *Angliæ*. (*Hen. Hunt.*
p. 198.—For his titles, see above, pp. 300, 301.)

[*Ethelbald*, the proud, ravaged *Northumbria* and conquered
the people of *Wales* and was sovereign over all the Kings of
England. (*Henry of Huntingdon*, p. 198.)]

^b A.D. 742. Congregatum est magnum concilium apud
Clofesho, præsidente eidem concilio **ÆTHELBALDO**, Rege
Merciorum....

Ego **ÆTHELBALD**, Rex. Ego *Cuthbertus*, Archiepsc.
Ego *Wita*, Episc. Ego *Torhthelm*, Episc. Ego *Wilfred*, Episc.
Ego *Cuthberht*, Episc. Ego *Huettlac*, Episc. Ego *Eanfrith*, Episc.
Ego *Egclaf*, Episc. Ego *Alwuiq*, Episc. Ego *Hunwald*, Episc.
Ego *Daniel*, Episc. Ego *Aldwulf*, Episc. Ego *Æthelfrith*, Episc.
Ego *Herewald*, Episc. Ego *Sicga*, Episc. Ego *Redwulf*, Episc.
Ego *OFA*, *Patricius*.

Ego *Aldwulf*, Dux. Ego *Æthelmod*, indolis *Merc*. Ego
Heardberht, Dux. Ego *Eadbald*, Dux. Ego *Bercul*, Dux.

Ego *Cyneberht*. Ego *Freothoric*. Ego *Wermund*, Abbas.
Ego *Cuthræd*, Abbas. Ego *Buna*, Abbas. (*Concilia I.* p. 87.)¹

[A.D. 742. A great Council was assembled at *Clovesho*,
under the presidency of **ÆTHELBALD**, King of the *Mercians*....

I, **ÆTHELBALD**, King. **I**, *Cuthbeorht*, Archbishop. **I**, *Wita*,
Bishop. **I**, *Torhthelm*, Bishop. **I**, *Wilfred*, Bishop. **I**, *Cuth-*
beorht, Bishop. **I**, *Hwettlac*, Bishop. **I**, *Eanfrith*, Bishop. **I**,
Ecglaf, Bishop. **I**, *Alwig*, Bishop. **I**, *Hunwald*, Bishop. **I**,
Daniel, Bishop. **I**, *Ealdwulf*, Bishop. **I**, *Æthelfrith*, Bishop.

- Part II.** 743 **Æthelbald** at war with the Wealas.
MERCIA. 750 }
Æthelbald. 752 } **Æthelbald** defeated by **CUTHRED** at Burford.
 757 **ETHELBALD** treacherously killed at "*Secandune*,"
 "a suis tutoribus" [by his guards] (Sim. Dunelm.
 de Gestis) and buried at Repton.
BEORNRED. **BEORNRED** the Tyrant succeeds, but is deposed
 by the Mercians^a.

I, *Herewald*, Bishop. I, *Sicga*, Bishop. I, *Redwulf*, Bishop.
 I, *OFFA*, Patricius.

I, *Ealdwulf*, Duke. I, *Æthelmod*, boy prince of *Mercia*. I,
Heardberht, Duke. I, *Eadbald*, Duke. I, *Bercol*, Duke.

I, *Cyneberht*. I, *Freothoric*. I, *Wermund*, Abbot. I, *Cuthred*,
 Abbot. I, *Buna*, Abbot. (Wilkins, Councils, I. p. 87.)]

I see no reason to doubt but that this *Offa* is the same who
 was afterwards king. In a charter granted by *Eanbert* of the
Hwiccas (Hem. 37)¹ and, as it is supposed, before 742, he is
 called *Puer*, that is to say, "Cild," or "Child," as a title of honour.

^a *Mercii inter se bellum civile inierunt, Beornred in fugam
 verso, Offa Rex victor extitit.* (Sim. Dunelm. de Gestis.)

[The Mercians entered upon civil war and after *Beornred*
 had been put to flight, King *Offa* remained the victor. (Simeon
 of Durham, History of the Kings.)]

*Rex Merciorum Ethelbaldus occiditur...cujus regnum Beorn-
 redus tyrannus invasit et per modicum tempus in parva lætitia
 et jocunditate tenens, regnum cum vitâ perdidit; quo mortuo,
 successit in regnum nepos patruelis Æthelbaldi Regis Merciorum,
 Offa.* (Flor. Wigorn.)

[*Æthelbald*, King of the *Mercians*, is killed . . . and his kingdom
 was invaded by the tyrant *Beornred*, who after holding it for a
 short time with but little joy and gladness, lost it and his life
 with it. After his death *Offa*, the nephew of *Æthelbald*, King of
 the *Mercians*, succeeded to the throne. (Florence of Worcester.)]

Gens de regno *Merciorum*, contra regem suum *Beornredum*
 insurgens, pro eo quod populum non æquis legibus, sed per
 tyrannidem gubernaret, convenerunt in unum omnes, tam nobiles
 quam ignobiles, et *Offa* duce, adolescente strenuissimo, ipsum
 à regno expulerunt. Quo facto, unanimi omnium consensu
 prædictum *Offam* in regem, tam clerus quam populus coronarunt.
 (Flores Hist.)

[The people of the Kingdom of *Mercia*, rising against their

- 757 *OFFA*, who had hitherto ranked as a "Patricius," **Part II.**
of the royal line of Wibba, raised to the throne. **MERCIA.**
Offa acknowledged as King by the Clergy and Laity. Offa.
Kent becomes subject to his supremacy. (See
above, p. 460.)
- 769 *Beornred*, who appears to have retained some portion
of the kingdom, makes war against the Northum-
brians—burns Catterick, but in the course of the
year, he himself meets with his death by violence^a.
- 771 Offa subdues the "*Gens Hestingorum* ^b."
- 775 Offa takes the town of Bynsyntun—defeats CYNE-
WULF of Wessex.
- 776 War between the Mercians and the men of *Kent*—
the latter are defeated by Offa in the battle of
Ottford.
- 777 Offa wars against the Britons—conquers the greater
part of the tract between the Severn and the Wye,
or Powys—causes the dyke, which still bears his

King *Beornred*, because he governed his people not with laws that were just, but in a tyrannical fashion, assembled together, nobles as well as commons, and under the leadership of *Offa*, a very vigorous youth, drove him from the kingdom. Whereupon they, the clergy and the people, crowned the aforesaid *Offa*, amid universal consent. (Flowers of the Histories.)]

^a *Cateracta civitas igne cremata est a Beornredo tyranno rege Merciorum deposito. Sed ipse infelix, eodem anno, justo Dei judicio incendio periit.* (Flores Hist.) [The town of Catterick was burned by *Beornred*, the tyrannical King of the *Mercians*, after his deposition. But the hapless man in that same year perished by fire, in accordance with the just judgment of God. (Flowers of the Histories.)] By Simeon of Durham (*de Gestis*) he is called "*Earnredus Tyrannus*." It is to be observed, that Florence of Worcester is the only authority by whom the death of *Beornred* is placed in 757, the others merely speak of his deposition by Offa.

^b Sim. Dunelm. and Mailros—*Gens Anglorum*.—Flores Hist. It is not easy to ascertain what people are meant¹. The name has inclined many writers to suppose that they were the inhabitants of Hastings, but they could scarcely be of sufficient importance. Perhaps we should read *East Anglorum*.

Part II.
MERCIA.

Offa.
ECGFERTH.

name, to be cast up between his dominions and the British territories^a.

785 *ECGFERTH*, son of *Offa*, consecrated as King, in the Council of *Clofesho*, and associated to his father in the royal dignity^b.

792 *Offa* causes *ETHELBERT*, King of East Anglia, to be slain, and occupies the kingdom. (Flor. Wigorn. —see East Anglia.)

Battle of *Rhuddlan*—*CARADOC*, King of *Guinedh*, killed by the Saxons. (Wynne's *Caradoc*, p. 21.)

796—July. *Offa* dies, after reigning 40 years^c.

^a Fuit in *Mercia* moderno tempore quidam strenuus, atque universis circa se regibus et regionibus finitimis formidolosus Rex, nomine *Offa*, qui vallum magnum inter *Britanniam* atque *Merciam* de mari usque ad mare facere imperavit. (Asser, p. 10.)

[There was in *Mercia* in recent times a certain masterful King who was an object of fear to all the kings round about him and to the neighbouring states, by name *Offa*, who ordered that a great rampart should be made between *Britain* and *Mercia*, from sea to sea. (Asser, *Life of Alfred*, p. 10.)]

^b *Ecgferth*, by the title of “*Rex Merciorum*,” joins in several charters granted in the lifetime of his father, of which the following is an example:—

A.D. 788. Ego *OFFA* Rex *Merciorum*. Ego *ECGFRID*, Rex *Merciorum*. Ego *CYNEDRYTH*, Regina. Ego *Jaenberhtus* Archiepiscopus. Ego *Hygeberhtus*, Archiepiscopus. Ego *Ceolwulf*, Episcopus. Signum manus *Brordani*, Præfecti. Signum manus *Berhtwaldi*. Signum manus *Eadbaldi*. Signum manus *Ceolmundi*. (Text. Roff. p. 87.)¹

[A.D. 788. I, *OFFA*, King of the *Mercians*. I, *ECGFRID*, King of the *Mercians*. I, *CYNEDRYTH*, Queen. I, *Jaenberht*, Archbishop. I, *Hygeberht*, Archbishop. I, *Ceolwulf*, Bishop. The mark of the hand of *Brorda*, Prefect. The mark &c. of *Berhtwald*. The mark &c. of *Eadbald*. The mark &c. of *Ceolmund*: (Rochester Text, p. 87.)]

^c The Saxon Chronicle states the death of *Offa* in the same year with the death of Pope Adrian—the latter event took place Dec. 25, 795². When noticing the accession of *Offa*, the chronicle states that he reigned 39 years: at his death it states the length of his reign to have been 40 years.

- 796 *Ecgferth*, the son of *OFFA*, succeeds—reigns 140 days. Part II.
MERCIA.
- 796 *Cenwulf*, of the line of *Penda*, succeeds. (Sim. *Ecgferth*.
Dunelm. Will. Malm.) Cenwulf.
- 796 *Cenwulf* conquers *Kent*, and takes the title of King of that country; but the direct dominion is possessed by *CUTHRED*, his brother, and afterwards by *SIGERED*, under his supremacy. (See above, p. 462.)
- 801 *Cenwulf* harbours the enemies of *Eardulf* of *Northumbria*—the latter leads his army against *Mercia*—peace concluded by the advice of the Bishops and Principes of England^a.
- 811 *Cenwulf* holds a Great Council, or Witenagemot, at London^b.

^a This event, which is diffusely told by Simeon of Durham, is not noticed in the Saxon Chronicle.

^b The style of the Council is expressed with great peculiarity in the following remarkable record.

In nomine Dei summi Regis eterni, anno autem Incarnationis ejusdem Domini Salvatoris mundi Jesu Christi decexi^o, Indictione vero iiii. porro quoque imperii piissimi Regis *Merciorum*, *CEONULFI* anno xv^o, præsulatus etiam *Wlfredi* Archiepontificis anno iii., prima kalendarum die Augustarum. In loco præclaro oppidoque regali *Lundaniæ*...concilium pergrande collectum habebatur. In quo videlicet ipse Rex *CEONULF* atque *Wlfred* Archiepiscopus, cum coepiscopis illius duobus, verbi gratia, *Deneberht*, *Hwicciorum* Episcopus, *Athelwlf*, Episcopus *Australium Saxonum*, cum principibus ducibusque et majoribus natu, quorum nomina infra caraxantur. Inter alias quoque diversarum rerum causas, in illo habentes consilio interpretatas: placuit pio Rege *Ceonulfo* cum consilio et consensu totius concilii illius, id est, Episcoporum, Principum, Ducum, Judicum majorumque natu, pro honore Dei omnipotentis ac pro expiacione piaculorum ejus atque pro reverentissima dilectione *Wlfredi* Archiepiscopi seu etiam pro ejus larga pecuniarum remuneracione hoc est centum et viginti sex mancosas pro hiis rebus. In occidentale *Cancie*.....

[The description of the land follows.]

Ego *CEONULF*, Domini misericordia Rex *Merciorum*, hujus nostræ donacionis ac libertatis remuneracionem mente consona

Part II.
MERCIA.
Cenwulf.

819¹ Death of *Cenwulf*, leaving a son, *KENELM*, of the age of seven years—slain by his sister, *CWEN-*

propriisque manibus crucis Christi signo confirmare roborareque studui.

Ælfthrith, Regina, consensiens subscripsit.

SIGRED, Rex, subscripsit.

Wlfred, Archiepsc. Christi gratia, consensiens subscripsit.

Denebreht, Epsc. subsc. *Beornmod*, Epsc. subsc. *Æthelwulf*, Epsc. subsc.

Heardbreht, Princeps subsc. *Beornoth*, Princeps subsc. *Cynehelm*, Princeps subsc.

Eadbryht, Dux, cons. subsc. *Egwulf*, Dux, cons. subsc. *Eanberht*, Dux, cons. subsc.

Cynebryht, Propinquus ejus, subs. *Æthelhah*, Pedessessor², subs.

Coenburht, Abb. subsc. *Seleburht*, Abb. subsc. *Cuthred*, Presb. subsc. (Bib. Lamb. no. 1212, f. 403.)³

[In the name of God Most High, the Eternal King, in the year of the Incarnation of the same, our Lord Jesus Christ, the Saviour of the World, 811, in the 4th Indiction, furthermore in the 15th year of the reign of *COENULF*, the most pious King of the *Mercians*, also in the third year of the office of Archbishop *Wlfred*, on the first day of August. In the renowned locality and royal town of *London* . . . a very great council was assembled and held. In this, to wit, *COENULF*, the King himself, and *Wlfred*, the Archbishop, with two of his fellow bishops, to wit, *Deneberht*, Bishop of the *Hwicii*, and *Athelwulf*, Bishop of the *South Saxons*, with the princes and dukes and elders whose names are written below. Among other causes of diverse kinds which had their settlement in that council, the pious King *Coenwulf* decided with the counsel and consent of the whole of his Council, that is, of the Bishops, Princes, Dukes, Judges and Elders, for the honour of Almighty God and for the expiation of his sins and in consideration of his reverend affection towards *Wlfred*, the Archbishop, or also in return for his generous disbursement of monies that is one hundred and twenty-six mancuses for these properties in *West Kent*

I, *COENULF*, by the mercy of God King of the *Mercians*, have been zealous to confirm and corroborate with the sign of the cross of Christ by my own hands and with mind accordant, the bestowal of this my gift and freedom from obligation.

Ælfthryth, Queen, has consented thereto and signed her name.

SIGRED, King, has subscribed thereto.

DRITHA, who appears to have assumed the **Part II.**
royal authority^a. **MERCIA.**

Wulfred, by the grace of Christ Archbishop, has consented and subscribed thereto.

Denebeorht, Bishop, has subscribed thereto. *Beornmod*, Bishop, has subscribed thereto. *Æthelwulf*, Bishop, has subscribed thereto.

Heardbeorht, Prince, has subscribed thereto. *Beornnoth*, Prince, has subscribed thereto. *Cynehelm*, Prince, has subscribed thereto.

Eadbryht, Duke, has consented and subscribed thereto. *Egwulf*, Duke, has consented and subscribed thereto. *Eanbeorht*, Duke, has consented and subscribed thereto.

Cynebeorht, his kinsman, has subscribed thereto. *Æthelheah*, "Pedessor," has subscribed thereto.

Coenburht, Abbot, has subscribed thereto. *Seleburht*, Abbot, has subscribed thereto. *Cuthred*, Priest, has subscribed thereto. (Lambeth MS. no. 1212, f. 403.)]

^a At least this inference seems to be warranted by the coins inscribed "Ceneþreþ Regina" on the reverse, of which three types are extant. The obverse of the two first represents a head encircled with the name "*Eoba*," the third has no head, but the name "*Oba*" only (Ruding, pl. 5, Nos. 1, 2, and 3). These coins have been attributed to the queen of Offa, because the workmanship is similar to *Offa's* coins—a slight and unsatisfactory ground of inference. History does not afford us any reason to suppose that she exercised a regal or quasi regal power, and it would be strange if the name of *Offa* did not appear upon the coins of his consort. *Eoba* may have been the husband of *Cwendrytha*, who joined with her in assuming the royal authority. The daughter of Cenwulf sat in the Witenagemot of Mercia in the life of her father, so that it is possible some principality may have devolved to her, either by inheritance from her mother, or derived from her father's gift.

Ego COENUULF, gratia Dei Rex *Merciorum*, A.D. 811.

Ego *Wulfred*, Archiepisc. Ego *Deneberht*, Episc. Ego *Æthelwulf*, Episc. Ego *SIGERED*, Rex. Ego *Ælbthryth*, Regina. Ego *Headberht*, Dux. Ego *Beornmod*, Episc. Ego *Beornnoth*, Dux. Ego *Cynehelm*, Dux. Ego *Eadberht*, Dux. Ego *Cyneberht*, Propinquus Regis. Ego *Coenwald*, Propinquus Regis. Ego *QUOENTHRYTH*, filia Regis. Ego *Eanberht*, Dux. Ego *Æthelheah*. (Text. Roff. pp. 96, 97.)¹

[I, COENUULF, by the grace of God, King of the *Mercians*, A.D. 811.

I, *Wulfred*, Archbishop. I, *Denebeorht*, Bishop. I, *Æthelwulf*,

Part II.

MERCIA.

CEOLWULF.

819 CEOLWULF succeeds.

821 CEOLWULF deprived of his kingdom by BEORNWULF, an intruder, not of the royal line of Mercia^a.822 A great synod at Clofesho¹, during which two Ealdormen, *BURHELM* and *MUCCA*, are slain^b.823 War between *Egbert* of Wessex and the Mercians—the latter are defeated at Ellendune. The men of *Kent*, *Surrey*, *Sussex*, and *East Anglia*, released from the Mercian supremacy, turn to, or are reduced by, *Egbert* (see above, p. 345).823} A great council held at Clofesho by BEORN-
824} WULF^c.

Bishop. I, *SIGERED*, King. I, *Ælfthryth*, Queen. I, *Heardbeorht*, Duke. I, *Beornmod*, Bishop. I, *Beornnoth*, Duke. I, *Cynehelm*, Duke. I, *Eadberht*, Duke. I, *Cyneberht*, kinsman of the King. I, *Coenwald*, kinsman of the King. I, *CWENTHRYTH*, the King's daughter. I, *Eanberht*, Duke. I, *Æthelheah*. (Rochester Text, pp. 96, 97.)]

^a *Ceolwulfus*, a *Bernulpho* quodam fatuoso, in nulloque lineam regalem contingente, expulsus est. (Ingulphus, p. 7.)

[*Ceolwulf* was driven out by a foolish person named *Bernulph* who had no claim whatever to royal lineage. (Ingulphus, p. 7.)]

^b Synodus magna in loco qui *Clofesho* nuncupatur, et ibidem duo duces interimuntur, *Burghelm* et *Muca*. (Ethelwerd, iii. 2.)

[A great synod was held in a place which is called *Clovesho* and in that same place two dukes were slain, *Burghelm* and *Muca*. (Ethelwerd's Chronicle, iii. 2.)] Flor. Wigorn. notices these "Duces fortissimi" [very brave dukes]; the event is told with less clearness in the Saxon Chronicle.

^c And which is particularly remarkable on account of the attendance given by his successor, *Ludica*.

A.D. 824. Regnante BEORNUULFO...factum est...conciliabulum in loco qui dicitur *Clofeshoas*...Illic omnes Episcopi nostri et Abbates et universi *Mercensium* Principes.

Ego BEORNWULF, Rex *Merciorum*.

Ego *Wulfred*, Archiepiscopus.

Ego *Æthelwald*, *Lichfeldensis*—*Hrædhun*—*Eadwulf*—*Heaberht*,

825 BEORNWULF slain by the *East Angles*, whom he **Part II.** attempts to reduce into subjection. He is succeeded **MERCIA.** by

LUDICA, his kinsman, who, together with his five Ealdormen, is also slain by the *East Angles*^a.

827 WIGLAF, Dux of the Hwiccians^b, the kinsman of LUDICA, chosen to succeed him, but is attacked and deposed by **Egbert**, and is compelled to secrete himself.

Egbert. 830 WIGLAF restored by **Egbert**, who regrants his WIGLAF. kingdom to him, and he reigns henceforward under

Wigorniensis—Beonna, Hereford.—Wigthehn, Winton—Cioberht—Wermund, Dommoc.—Cynred—Hunberht, Elmham. Episcopi.

Eanmund—Cuthwulf—Wihtried—Wilfred. Abbates.

Beornoth—Eadberht—Sigered—Ecgerht—Eadwulf—Alhheard—Mucel—Uhtred—LUDECA. Duces.

*Nothelm præco a domino Eugenio Papa—Bynna, frater Regis—Bola—Aldred, Theloniarius—Piot, Presbiter—Wighelm—Beadheard—Cyneberht—Eadbald. (Concilia, I. pp. 175, 176.)*¹

[A.D. 824. In the reign of BEORNWULF, a council was held in a place which is called *Clovesho*.... There were all our Bishops and Abbots and all the princes of the *Mercians*.

I, BEORNWULF, King of the *Mercians*.

I, Wulfred, Archbishop.

I, *Æthelwald* of *Lichfield* — *Hrethhun* — &c., &c., &c. Bishops.

Eanmund &c., &c. Abbots.

Beornnoth, &c., &c. Dukes.

Nothhelm, the Legate from Lord Pope *Eugene*—*Bynna*, the King's brother—*Bola*—*Aldred*, Collector of Custom—*Piot*, Priest—*Wighelm*—*Beadheard*—*Cyneberht*—*Eadbald*. (Wilkins, Councils, I. pp. 175, 176.)]

^a Some portions of the obscure history of *Ludica* and *Wiglaf* rest upon the authorities of *Ingulphus* and *Flores Hist.*—their sources have not been ascertained.

^b *Omnium consensu, Wilafus Dux Merciorum in regem levatus est*.... (*Ingulphus*.)

[With the consent of all, *Wiglaf*, Duke of the *Mercians*, was raised to the kingdom. (*Ingulphus*.)]

Part II.
MERCIA.
 WIGLAF.

the supremacy of **Egbert** the Bretwalda^a. *Wymund*, or *Wigmund*, son of *WIGLAF*, married to *Alfreda*, daughter of *CEOLWULF*^b.

BEORHTWULF.

838¹ *WIGLAF* dies about this time — succeeded by *BEORHTWULF*, his brother^c. (Flor. Wigorn. Ingulphus.)

^a ...tresdecim annos regnavit, sub ditione tamen et tributo *Egberti Regis West Saxonum*. (Ingulphus, p. 7, and see above, pp. 348—351.)

[...reigned for thirteen years, under the sway however and as a tributary, to *Egbert*, King of the *West Saxons*. (Ingulphus, p. 7.)]

^b Ingulphus: but confirmed by Chron. Mailros.

^c A.D. 844. Ego *BERHTUULFUS*, divino fultus suffragio Rex *Merciorum*, cum consensu et consilio principum ac magistratum *Mercianorum* gentis. Ego *HUMBERHT*, Princeps, optinebam a domino meo *BERHTUULFO* Regi *Merciorum* cum consensu optimatum *Merciorum*.....ut sit illud monasterium on *Breodune* liberatum ac absolutum ab omnibus causis...quæ mihi aut principibus *Tonsetorum* unquam ante ea pertinebant ex illo monasterio.

.....Ego *BERHTUULF*, domino disponente Rex *Merciorum*, hanc meam donationem mihi et omnibus *Mercis* in elemosinam sempiternam firmiter donabo, atque cum signo sanctæ crucis consignabo.

Ego *Seæthryth*, Regina, consensi et subscripsi. Ego *Tumberht*, Episc. consensi et subscripsi. Ego *Ciolred*, Episc. consensi et subscripsi. Ego *Berhtred*, Episc. consensi et subscripsi. Ego *Alchun*, Episc. consensi et subscripsi. Ego *Cuthwulf*, Episc. consensi et subscripsi.

Ego *Eanmund*, Abbas, consensi et subscripsi. Ego *Withred*, Abbas, consensi et subscripsi.

Signum *Muceli*, Principis. Signum *Humberhti*, Principis. Signum *Æthelhardi*, Principis. Signum *Aldberti*, Principis. Signum *Dudan*, Principis. Signum *Sigredi*, Principis. Signum *Wiglafi*, Principis. Signum *Muceli*, Principis. Signum *Ælfstanis*, Principis. Signum *Hunstanis*, Principis. (Heming. 41.)²

[A.D. 844. I, *BERHTWULF*, supported by divine assent King of the *Mercians*, with the consent and counsel of the princes and magistrates of the people of the *Mercians*. I, *HUMBERHT*, Prince, have obtained from my lord, *BERHTWULF*, King of the *Mercians*, with the consent of the optimates of the *Mercians* that that monastery at *Bredon* be freed and

851 *BEORHTWULF* driven out of all or great part of **Part II.**
his dominions by the Danes. **MERCIA.**

discharged from all incidents, which were due formerly from that monastery to me and the princes of the *Tonseti*.

...I, *BERHTWULF*, by the disposition of the Lord King of the *Mercians*, will firmly present this gift for myself and all *Mercians* in perpetual alms and will sign with the sign of the holy cross.

I, *Sæthryth*, Queen, have consented and subscribed. I, *Tunberht*, Bishop, have consented and subscribed. I, *Ceolred*, Bishop. I, *Beorhtred*, Bishop. I, *Ealhun*, Bishop. I, *Cuthwulf*, Bishop.

I, *Eanmund*, Abbot. I, *Withred*, Abbot.

The mark of *Mucel*, Prince. Of *Humberht*, Prince. Of *Æthelhard*, Prince. Of *Aldbeorht*, Prince. Of *Duda*, Prince. Of *Sigred*, Prince. Of *Wiglaf*, Prince. Of *Mucel*, Prince. Of *Ælfstan*, Prince. Of *Hunstan*, Prince. (Heming's Chartulary, p. 41.)]

The above charter, besides its value in exemplifying the style of the *Mercian* Witenagemot under this King, gives the name of a principality not mentioned elsewhere. In other proceedings *Humbert* is simply styled "*Humberht Dux*."

Contigit autem quod *BERHTWULF*, Rex *Merciorum*, tollerat* a nobis et tradidit terram nostram, quod* recte ac jure sub proprio* potestate ac libera possessione cum firma donatione tradita est et concessa et firmata ad sedem episcopalem, id est, ad *Weogernensem* æcclesiam, Rex prefatus suobus* propriis hominibus condonavit, sicut se inimici homines docuerunt, hoc est, *Stoltun*, &c.

Tunc perrexit ille Episcopus *Heaberht*, cum suis secum senioribus in Pascha ad *Tomeworthie* et suas libertates et cartulas ante nominatorum* terrarum secum habentes, et ibi ante regem ejusque procures fuerunt allecta, et ibi *Merciorum* optimates dejudicaverunt illi, ut male ac injuste dispoliati essent in suo proprio. Tunc illis terra sua reddita est cum pace. A.D. 840.

Hunberht, Dux. *Mucel*, Dux. *Cyneberht*, Dux. *Æthelwulf*, Dux. *Eadwulf*. *Wicga*. *Eaduulf*. *Æthelheard*, Dux. *Dudda*, Dux. *Sigered*, Dux. *Mucel*, Dux. *Ælfred*. *Hwithyse*. *Aldberht*. (Heming. p. 28.)¹

[It came to pass however that *BERHTWULF*, King of the *Mercians*, had taken from us our land and given it to others,

* Sic.

Part II.
MERCIA.
BURHRED.

- 852 Death of *BEORHTWULF*—*BURHRED* succeeds—ETHELWULF requests the assistance of *ETHELWULF* against the “*North Wealas*,” otherwise the “Midland Britons,” who dwell between *Mercia* and the West Sea, and who strove against him (see above, p. 353).
Marries *Athelswitha*, the daughter of *ETHELWULF*.
- 868 Danes advance into *Mercia*—*BURHRED* and his ETHELWITAN solicit the aid of *ETHERED* and of *ALFRED* against the enemy^a. The Mercians make peace

land which rightly and lawfully was given to us to be in our own power and free possession by a secure donation and conceded and confirmed to the episcopal seat, that is to the church of *Worcester*. This the aforesaid King bestowed upon his own men, even as our enemies prompted him, that is, *Stoulton*, &c.

Then the Bishop *Heaberht* proceeded and his elders with him, at Easter to *Tamworth*, having with them both their franchises and title-deeds of the above-named lands; and they were read aloud there before the king and his nobles, and there the optimates of the *Mercians* gave judgment that they had been evilly and unjustly despoiled of their own. Then the land was peacefully restored to them. A.D. 840.

Hunbeorht, Duke. *Mucel*, Duke. *Cynebeorht*, Duke. *Æthelwulf*, Duke. *Eadwulf*. *Wicga*. *Eadwulf*. *Æthelheard*, Duke. *Dudda*, Duke. *Sigered*, Duke. *Mucel*, Duke. *Ælfred*. *Hwithyse*. *Ealdbeorht*. (Heming's Chartulary, p. 28.)]

^a *Prædictus Paganorum exercitus Northanymbros relinquens, in Merciam venit, et Scnotengaham adiit, (quod Britannice Tigguocobauc interpretatur, Latine autem Speluncarum domus) et in eodem loco eodem anno hyemaverunt; quibus illic advenientibus, confestim Burhred, Merciorum Rex, et omnes ejusdem gentis optimates nuncios ad Æthered, Occidentalium Saxonum regem, et Ælfred fratrem dirigunt; suppliciter obsecrantes, ut illi illis auxiliarentur, quo possunt contra præfatum pugnare exercitum; quod et facile impetraverunt. Nam illi fratres non segnius promissione, congregato ex omni parte regni sui immenso exercitu Merciam adeunt, et usque ad Scnotengaham bellum unanimiter quærentes perveniunt. (Asser, p. 19.)*

[The aforesaid army of the Pagans leaving the *Northumbrians*, came to *Mercia* and drew near to *Nottingham* (which in the language of the *Britons* is called *Tigguocobauc*, but in Latin *Speluncarum domus*, the house of caves) and in that same place they passed the winter of that year. When they arrived there,

with them, and allow them to settle in the country. Part II.
MERCIA.

Burhred, King of the *Mercians*, and all the optimates of that people, forthwith sent messengers to *Æthered*, King of the *West Saxons*, and his brother *Ælfred*, praying and beseeching them to come and help them with what aid they could to fight against the aforesaid army; this request they obtained without any difficulty. For these brothers, no slower than their promise, assembled an immense army from every quarter of their Kingdom, arrived in *Mercia* and reached *Nottingham*, everyone of them eager for war. (Asser, *Life of Alfred*, p. 19.)]

Simeon of Durham is more ample in his narration.

Ea tempestate prædictus Paganorum exercitus *Northam-hymbros* reliquit, *Snotingham* pessimo adventu visitavit et adiit, quæ civitas *Britannico* sermone *Tiguocobauc* interpretatur, Latina interpretatione, *Speluncarum* domus, dicitur. Quo in loco hospites insidiosi eodem anno hiemavere, quorum adventus omnibus populis satis erat ingratus. Audiens autem eorum adventum armipotens Rex *Merciorum* *Burhred* appellatus, et omnes optimates, consilium habuit cum suis comitibus et com-militonibus et omni populo sibi subjecto, qualiter inimicos bellica virtute exuperaret sive de regno expelleret. Direxit et nuncios veloci cursu ad *Elfredum* insignissimæ virtutis virum, et ad *Ethelredum* fratrem ejus, ut ei fraternum ostenderent adminiculum quo possent victrici fortitudine eos debellare. Quod ipsi quasi intrepidi leones agere non distulerunt. Tunc incitus *Elfredus* rapidis cœpit præceptis exercitum congregare, illud corde tenus recordans: *Nunquam dives agit, qui trepidus gemens sese credit egentem.* Nequaquam potens vir agit quod desiderat qui trepidus constat, et qui se putat egentem, id est, miserum, si agat quod optat viriliter decertando. Frater ejus simili succensus furore, usque ad *Snotingham* perveniunt parati adversus temptamina stare. Pagani vero munitione arcis muniti bellum promittunt, acies struunt, numerosum exercitum ostendunt, sed tremebundi clavis cernentes viribus Christianum populum in centenis et millenis millibus adversariis resistere sacris ducibus exhortantibus. Tandem per gratiam omnipotentis Domini cessavit ventus turbinis, sedata sunt corda iniquorum, pacem rogantes et fœdus a Christianis, ac si ipsi tali propitio Christo mente exorarent,

*Rapidos Rector comprime fluctus,
Et quo cælum regis immensum
Firma stabiles fœdere terras¹.*

Part II.
MERCIA.

871 About this time the Mercians attempt to throw off the supremacy of Wessex, and refuse to

Facta est inter Reges et paganos pax, et segregati ab invicem, sicut oves ab hædis sequestrantur. (Sim. Dunelm.)

[At that time the aforesaid army of the Pagans left the *Northumbrians*, and with the worst approach visited and came to *Nottingham*, which town is called in the *Briton* tongue *Tiguocobauc*, but in the Latin interpretation is called *Speluncarum domus* (the house of caves). And in this place the treacherous strangers passed the winter of that year and their arrival was far from being welcome to any of the population. Hearing of their arrival, the powerful King of the *Mercians*, who was called *Burhred*, and all the optimates, held counsel with his earls and fellow-soldiers and all the people subject to him as to how they should overcome the enemy by warlike valour or drive them from the Kingdom. He also despatched messengers at full speed to *Alfred*, a man of preeminent valour, and to his brother *Ethelred*, begging them to shew them brotherly aid with which they could subdue them with conquering bravery. And this they, like fearless lions, did not delay to perform. Then *Alfred* thus aroused, by issuing prompt orders began to assemble his army, bearing in mind the saying: *A man though rich never accomplishes anything, if with groans and trepidation he thinks that he is poor.* A strong man can by no means do what he wants if he remains with fear in his heart and who thinks that he is poor, that is, in evil state, though he may do what he wishes by manfully striving. As his brother was also fired with the same passionate determination, they come to *Nottingham* ready to face any trials. The Pagans indeed strengthened by the fortification of the citadel, offer battle, draw up their line and display a large army, but they were afraid when they saw that the Christian people, in hundreds and thousands of thousands, were at the exhortations of their holy leaders ready to resist their adversaries with signal strength. At length through the grace of the Almighty Lord the whirlwind ceased; the hearts of the wicked were depressed and they begged of the Christians peace and a treaty, as if they themselves had besought a favourable Christ in the spirit of these lines

*Thou Ruler, suppress the raging waves,
And with that settled order, whereby thou rulest
Illimitable heaven, secure the firm earth.*

Peace was made between the Kings and the pagans and

co-operate with ALFRED against the Danes. **Part II.**
(Will. Malm.) **MERCIA.**

874 *BURHRED*, expelled by the *DANES*, retires to Rome.

CEOLF, or *CEOLWULF*, "an unwise Thane of *CEOLWULF*.
BURHRED," appointed King of *Mercia* by the
DANES—takes the oath of fealty to them, and
undertakes to hold the kingdom upon condition of
being always ready in their service, and to surrender
the same when required^a.

they departing from each other went their way, as sheep are separated from the goats. (Simeon of Durham.)]

^a Asser, p. 8; Sax. Chron.—The events of 874 and 876 are only parts of the same transaction.

Anno Dominicæ Incarnationis 874, nativitatis autem *Ælfredi* regis vigesimo sexto, supra memoratus sæpe exercitus, *Lindissig* deserens, *Merciam* adiit, et hyemavit in loco, qui dicitur *Hreopedune*: *Burghredum* quoque *Merciorum* regem regnum suum deserere, et ultra mare exire, et Romam adire contra voluntatem suam coegit vigesimo secundo regni sui anno; qui postquam Romam adierat, non diu vivens ibi defunctus est; et in schola *Saxonum*, in ecclesia Sanctæ Mariæ honorifice sepultus, adventum Domini, et primam cum justis resurrectionem expectat. Pagani quoque post ejus expulsionem totum *Merciorum* regnum suo dominio subdiderunt: quod tamen miserabili conditione cuidam insipienti ministro regis (ejus nomen erat *Ceolwulf*) eodem pacto custodiendum commendaverunt, ut qualicunque die illud vellent habere iterum, pacifice illis assignaret; quibus in eadem conditione obsides dedit et juravit, nullo modo se voluntati eorum contradicere velle, sed obediens in omnibus esse. (Asser, p. 27.)

[In the year of our Lord's Incarnation 874, in the twenty-sixth year of the life of King *Alfred*, the army which has been frequently mentioned above, leaving *Lindsey*, came to *Mercia*, and passed the winter in the place which is called *Repton*: also it compelled *Burhred*, King of the *Mercians*, in the twenty-second year of his reign to quit his kingdom and to go beyond the sea and repair to Rome against his will. And he did not live long after he had come to Rome, but died there, and having received honourable burial in the school of the *Saxons* in the church of St. Mary, he awaits the coming of the Lord and the first resurrection with the just. The Pagans also, after

- Part II. 876} Danes enter again into *Mercia*, part of which they *Dane*
 MERCIA. 877} divide, and part they allow *CEOLWULF* to retain.

his expulsion, subjugated the whole kingdom of the *Mercians* to their dominion, but they entrusted it on a pitiful condition to the keeping of a certain unwise thane of the king (his name was *Ceolwulf*), on this understanding that on whatever day they wished to have it again, he should hand it over to them peacefully. And he gave them hostages on this same condition and swore that he would in no way do contrary to their wishes, but would be obedient in all respects. (Asser, *Life of Alfred*, p. 27.)]

Withlafius in initio regni ab eodem *Ecgbert* sub jugo missus regnavit annis tresdecim, et illi et filio, *capitis et pecuniarum tributa* persolvens. Eadem sorte *Berhtwulphus* tresdecim annis regnans, novissime a piratis *Danorum* ultra mare fugatus est. *Burhredus* accepta *Ethelswida* filia Regis *Athulphi* filii *Egberthi* affinitate illius et vectigalium pensionem et hostium depredationem consolatus est. Sed post viginti et duos annos, ab eisdem patria deturbatus, Romam diffugit. Tunc regnum illud a *Danis* cuidam *Kelhwulfo*, *Burhredi* ministro traditum, et ne ultra placitum retineret sacramento firmatum. Post paucos annos *Alfredus* nepos *Ecgbrihti* obtinuit. Ita principatus *Merciorum* qui per tumidam gentilis viri insaniam subito effloruit, tunc per miseram semiviri ignaviam omnino emanavit. (Will. Malm. de *Gestis Regum*, ii. 5.)

[*Wiglaf*, at the beginning of his reign, after having been sent under the yoke by this same *Ecgbert*, reigned for thirteen years, paying to him and to his son *tribute in person and property*. *Berhtwulf*, reigning for thirteen years on the same conditions, was finally put to flight across the sea by the *Danish* pirates. *Burhred*, having received in marriage *Æthelswith*, the daughter of King *Athulf*, the son of *Ecgbert*, was relieved by this alliance from the payment of tribute and the rapine of the enemy. But after reigning for twenty-two years, he was driven by them from the country and fled to Rome. Then that kingdom was entrusted by the *Danes* to one *Ceolwulf*, a thane of *Burhred*, and it was confirmed by oath that he should not retain it longer than they wished him to. After a few years *Alfred*, *Ecgbert's* grandson, obtained the throne. And so the principate of the *Mercians* which through the overweening ambition of a heathen prematurely blossomed out at that time withered away through the wretched cowardice of one who was but half a man. (William of Malmesbury, *Acts of the Kings*, ii. 5.)]

- 880 A treaty concluded with *GUTHRUN*, by which the Mercian territories included within a frontier line, drawn from the source of the *Lea* to *Bedford*, thence along the *Ouse* to *Watling-street*, were ceded to the Danes (see above, p. 355).

Part II.
MERCIA.
GUTHRUN.

The community of the Danish Burghs probably began to be formed about this time.

- 886 *Mercia*, except such parts as had been occupied by the Danes, appears about this time to have been recovered by *Alfred*^a, and treated by him as a

^a Florence, in his *Genealogies* (p. 692), confines the dominion of *Alfred* to such part as had been governed by *Ceolwulf*, and to London and its adjoining district. Malmesbury's view of *Alfred*'s government is clear and instructive.

Anno Dominicæ Incarnationis nongentesimo primo regnum obtinuit *Edwardus* filius *Alfred* et tenuit viginti tribus annis; literarum scientia multum inferior patre, sed regni potestate incomparabiliter gloriosior. Siquidem ille duo regna *Merciorum* et *West Saxonum* conjunxerat, *Merciorum* nomine tenus, quippe commendatum duci *Ethelredo* tenens. Iste primum mortuo *Ethelredo*, *Mercios* omnifariam, mox *Occidentales* et *Orientales* *Anglos* et *Northanimbros*, qui cum *Danis* jam in unam gentem coaluerunt, et *Scottos*, qui aquilonalem insulæ partem inhabitant; *Brittones* omnes, quos nos *Wallenses* dicimus, bellis profligatos, suæ ditioni subegit; nec unquam in aliqua pugna humiliorem manum habuit. (Will. Malm. de Gestis Regum, ii. 5.)

[In the nine hundred and first year of the Incarnation of our Lord, *Edward* the son of *Alfred*, ascended the throne and held it for twenty-three years. He was far inferior to his father in scholarship, but in the might of his rule attained to far greater glory. For he indeed had united the two kingdoms of the *Mercians* and the *West Saxons*, but he ruled over that of the *Mercians* in name only, holding it in fact entrusted to Duke *Ethelred*. He, for the first time after the death of *Ethelred*, made the *Mercians* in every way subject to his sway, and soon after that the *West* and *East Anglians* and the *Northumbrians*, who had united into one nation with the *Danes*, and the *Scots*, who inhabited the northern part of the island, and all the *Britons*, whom we call *Welsh*. All these nations he had overcome in war, nor did he in any battle fail to gain the upper hand. (William of Malmesbury, *Acts of the Kings*, ii. 5.)]

Part II.
MERCIA.
ETHELRED.

dominion beneath his supremacy, though retaining a separate government. He grants or entrusts London^a to the Ealdorman *ETHERED*, or *ETHELRED*, married to *ETHELFLEDA*, his daughter.

896 *ETHELRED* holds a Witenagemot of Mercia at Gloucester, by permission of *ALFRED*^b.

905 Danes, at the instigation of *ETHELWALD*, the pretender to the throne at the death of *ALFRED*, overrun *Mercia*.

ETHELFLEDA. 912 Death of *ETHELRED*. *ETHELFLEDA*, his widow, continues to govern the country. (See below, p. 508.)

916 *ETHELFLEDA* conquers Brecknock.

918 *ETHELFLEDA* regains Derby from the Danes.

^a Eodem anno, *Alfred Angulsaxonum* Rex, post incendia urbium stragesque populorum, *Londoniam* civitatem honorifice restauravit et habitabilem fecit, quam genero suo *Ætheredo Merciorum* comiti commendavit servandam; ad quem Regem, omnes *Angli* et *Saxones*, qui prius ubique dispersi fuerant, aut cum paganis sub captivitate erant, voluntarie converterunt, et suo dominio se subdiderunt. (Asser, p. 52.)

[In the same year, *Alfred*, King of the *Anglo-Saxons*, after the burnings of cities and the slaughter of people, handsomely restored the city of *London* and made it habitable and entrusted it to the safe keeping of his son-in-law *Ethelred*, Earl of the *Mercians*. And all the *Angles* and *Saxons* who had previously been scattered on all sides, or had been with the pagans under captivity, voluntarily turned to this King and gave themselves up to his dominion. (Asser, *Life of Alfred*, p. 52.)]

^b Ða ðy gere gebeon Æþelred Alderman alle Mercna weotan tosomne to Gleaweceastre, biscopas 7 aldermen 7 all his duguðe 7 ðæt dyde be Ælfredes cyninges gewitnesse 7 leafa. [Then in that year *Æthelred* the alderman summoned all the Witan of the *Mercians* together to Gloucester, bishops and aldermen, and all the nobility, and did that with the cognisance and leave of King *Alfred*.]

Alderman *ETHELRED* summoned all the Witan of *Mercia* together at *Gloucester*—Bishops and Aldermen, and all his Nobility—and this he did with the knowledge and permission of King *ALFRED*. (Heming. p. 93.)

- 918} Earl *THURKYTEL* and Danes of *Northampton* and **Part II.**
 919} *Bedford* submit to *Edward*^a. **MERCIA.**

^a *Danicus Comes Thurferthus*, quia Regis diutius strenuitati resistere non valebat, cum civibus et provincialibus *Northam-tunensibus Danis et Anglis*, regi se dedebat. His gestis, Rex domum rediit, aliumque exercitum ad *Huntandun* e vestigio misit, ut civitatem resarcirent et renovarent, et in ea custodes ponerent. Quibus peractis, omnes provinciales illi, qui *Danorum* supererant crudelitati, se manibus illorum evasisse gaudentes, pacem et patrocinium regis petebant... Paucis vero interjectis diebus, *Westsaxonico* coadunato exercitu, ad *Coleceastram* Rex abiit, et murum illius redintegavit, virosque in ea bellicosos cum stipendio posuit. Interim de *Eastanglia* et *Eastsexonia* multi *Anglorum*, qui ferme triginta annos feritati *Paganorum* sub-jacebant, læto animo se regi subiciebant. Ad quem etiam *Dani Eastangliam* incolentes venerunt, et se mari terraque nil quod regem offenderet penitus acturos, sacramento firmaverunt. Venit et *Danorum* exercitus de *Grantebricgeie*, et illum in dominum et patronum delegit; et hoc juramentis, ut ipse voluit, roboravit. (Flor. Wigorn. and see above, p. 358.)

[*Thurferth*, the *Danish* Earl, because he was not strong enough to make any further resistance against the energy of the king, with the citizens and countryfolk of *Northampton*, both *Danes* and *English*, submitted to the king. After this the king returned home and sent another army immediately to *Huntingdon*, to repair the city and renovate it and to place a garrison in it. Upon the completion of this, all the men of that province, who had survived the cruelty of the *Danes*, rejoicing that they had escaped from their hands, sought the peace and protection of the king. After an interval of a few days, when the *West Saxon* army had assembled, the King departed to *Colchester*, and repaired its wall and placed in the town a paid force of fighting men. Meanwhile many of the *English* from *East Anglia* and *East Saxony*, who for nearly thirty years had been exposed to the ferocity of the *Pagans*, gladly submitted to the king. And to him also came the *Danes* who lived in *East Anglia*, and bound themselves with an oath that they would do nothing whatever by sea or land which would harm the king. And an army of the *Danes* came from *Cambridge* and chose him as their lord and patron, and with their oaths corroborated this, as he wished. (Florence of Worcester, and see above, p. 358.)]

Part II.
MERCIA.
 Edward
 the Elder.

920 "*Legraceastre*," or *Chester*, taken by *ETHELFLEDA*. Edm.
the Elc
 920 Death of *ETHELFLEDA*¹. *Edward* assumes the
 direct dominion of *Mercia*.

921 Earl *THURFERTH*, and the Holdas, and all the
 Host of *Northampton*, as far as the *Welland*, submit
 and do homage to *Edward*^a.

Huntingdon also submits to him.

922 All the people of *Mercia*^b, Danes as well as English,
 submit to him^c.

Chester reduced by *Edward* a short time before his
 death^d.

Athelstan. 925 *Athelstan* elected or accepted as King of *Mercia*^e.

^a Eodem anno Rex *Edwardus* ivit cum exercitu ad *Buchingham*, ibique mansit quatuor hebdomadis, fecitque vallum ex utraque parte aquæ antequam inde recessisset. Et *Turchetel* consul ibi subditus est Regi; omnesque consules et meliores barones qui appendebant ad *Bedefordiam* et plures ex illis qui appendebant ad *Hamtoniam*. (Hen. Hunt.)²

[In the same year King *Edward* went with an army to *Buckingham* and there he remained for four weeks and made a rampart on each side of the water before he retired thence. And Earl *Thurcytel* there submitted to the King, and all the earls and greater barons who belonged to *Bedford*, and several of those who belonged to *Northampton*. (Henry of Huntingdon.)

^b And him cierde to eall se þeodscype on Myrena lande þe *Æthelflæde* ær underþeoded wæs. (Sax. Chron.)

[And all the people in the Mercians' land who had before been subject to *Æthelflæd*, submitted to him. (AS. Chronicle.)]

^c It is not certain whether this event did not take place immediately on the death of *Ethelfleda*.

^d Paucis ante obitum diebus, urbem *Legionem*, fiducia *Brittonum* rebellantem, a contumacia compescuit. (Will. Malm. de Gestis Regum, ii. 6.)

[A few days before his death, he suppressed the contumacy of the city of *Chester* which was rebelling in reliance on the help of the *British*. (William of Malmesbury, Acts of the Kings, ii. 6.)]

^e *Adelstan* filius *Edwardi* electus est Rex in *Merce*, et sacratus apud *Kingstun*. (H. Hunt. and see above, p. 365.) [*Athelstan* the

The tributes which the Welsh paid to Athel- **Part II.**
stane and his successors seem to have been rendered **MERCIA.**
to him in the character of King of Mercia, or of
London. (See above, p. 366.)

942 *Leicester, Lincoln, Nottingham, Stamford, and Derby, Edmund.*
submit to the supremacy of **Edmund**^a, King of the
Mercians and Angles^b.

940} *ANLAF or AULAF* declared King of England north
943} of Watling-street. (See Northumbria.)

son of *Edward* was elected King in *Mercia* and was consecrated
at *Kingston*. (Henry of Huntingdon, etc.)] The testamentary
disposition of his father might apply to either kingdom—"jussu
patris in testamento *Athelstanus* in regem acclamatus est."
[by the command of his father, in his will, *Athelstan* was
acclaimed king.] (Will. Malm. de Gestis Regum, i. 6.)

^a 942 *Magnificus Rex Anglorum Eadmundus* quinque civi-
tates, *Lindicolniam, Snotingham, Deorbeiam, Leogarecestram* et
Stanfordam manibus *Danorum* penitus extorsit, totamque *Merciam*
in sui potestatem redegit. (Sim. Dunelm.) [942 *Eadmund*, the
magnificent King of the *English*, wrung completely from the
hands of the *Danes* the five towns of *Lincoln, Nottingham,*
Derby, Leicester and *Stamford*, and reduced the whole of *Mercia*
to his power. (Simeon of Durham.)] These victories form
the subject of an Ode, inserted in the Anglo-Saxon Chronicle.
Derby acquired its present name from the *Danes*; by the *English*
it was called *Northweorthig*. (Ethelwerd, iv. 2.)

^b The following charter, in which he assumes these titles, must
have been granted about this period:—

Ego *EADMUNDUS* Rex *Anglorum* necnon et *Merciorum*....
Ego *EADMUNDUS* Rex *Anglorum*. *EADRED*, frater Regis.
Eadgife, mater Regis. *Oda*, Archiepiscopus. *Ælfah*, Episcopus
[and five other Bishops]. *Ælfgifu*, concubina Regis. *Wulfgar*,
Dux. *Æthelstan*, Dux. *Eadmund*, Dux. *Scula*, Dux. *Sigferth*,
Minister. *Wulfric*, Minister. *Ealdred*, Minister. *Ælfstan*, Minis-
ter. *Ordeah*, Minister. *Eadwerd*, Minister. *Wulfric*, Minister.
Odda, Minister. *Ælla*, Minister. *Ælfgar*, Minister. *Osferth*,
Dux. *Wihthgar*, Minister. *Wulfsige*, Minister. *Birhtwald*, Minis-
ter. (Text. Roff. pp. 108, 110.)¹

[I, *EADMUND*, King of the *English* and also of the
Mercians...I, *EADMUND*, King of the *English*. *EADRED*,
the King's brother. *Eadgifu*, the King's mother. *Oda*, Arch-

- Part II.** 947 Accession of **Ædred** to the Kingdom of *Mercia* (see
MERCIA. above, pp. 381, 384).
Ædred. 955 **Eadwƿ**, King of *Mercia*^a, **EDGAR**, his brother, being **Eadw**
EDGAR. Subregulus thereof.
957 **EDGAR** Atheling chosen as King by the *Mercians*
who revolt against **Eadwƿ**^b. (See above, p. 388.)
Edgar. 958} **Edgar**, on the death of **Eadwƿ**, succeeds to the
959} Kingdoms of *Mercia*, *Wessex*, and *Northumbria*.
Æthelred. 975 Accession of **Æthelred**.
1007 **EDRIC STREONA** appointed Ealdorman of *Mercia*
(see below, p. 511).
1012 **EDRIC STREONA** holds a Witenagemot at London.
SWEYNE. 1013 The Danish Burghs submit to **SWEYNE**, together
with all the Host north of *Watling-street*.
1014 **CANUTE** retains possession of the Northern part of
Æthelred. *Mercia*, **Æthelred** having been restored in *Wessex*.
1015 A great council of the Danes and English held at
Oxford. **SIGFERTH** and **MORCAR**, sons of
Earngrim, chief Thanes of the Danish Burghs,
slain whilst attending the same.

bishop. **Ælfheah**, Bishop (and five other Bishops). **Ælfƿifu**,
the King's wife. **Wulfgar**, Duke. **Æthelstan**, Duke. **Eadmund**,
Duke. **Scula**, Duke. **Sigferth**, Thane. **Wulfric**, Thane. **Ealdred**,
Thane. **Ælfstan**, Thane. **Ordheah**, Thane. **Eadward**, Thane.
Wulfric, Thane. **Odda**, Thane. **Ælla**, Thane. **Ælfgar**, Thane.
Osferth, Duke. **Wihƿgar**, Thane. **Wulfsige**, Thane. **Birhtwald**,
Thane. (Rochester Text, pp. 108, 110.)]

^a For the passages proving that **Eadwƿ** succeeded to *Mercia*
as a Kingdom distinct from *Wessex*, see above, p. 387.

^b According to the Chronicle, **Edgar** succeeded to *Mercia*
immediately on the death of **Edmund**, in 955—"Eadgar Atheling
feng to Myrcena rice;" other authorities (p. 388) assert that
the Mercians and Northumbrians abandoned **Eadwƿ**, and chose
Edgar in 957. These contradictions are explained by the charter
(p. 387), which shews, that in the first instance, Edgar took
Mercia as a Subregulus, and therefore, that the subsequent
transactions relate to his acquisition of the supremacy, freed
from the ascendancy of *Wessex*. As King of *Mercia* he gave the
bishopric of Worcester to Dunstan, whom he had recalled from
exile.

EDMUND Atheling carries off the widow of SIG-
 FERTH. The Danish Burghs submit to him. Part II.
 MERCIA.

- 1016 CANUTE takes *Mercia* (London excepted) upon the CANUTE.
 division of the Empire between him and EDMUND
Ironside.

CANUTE, on the death of EDMUND *Ironside*, having
 become King of all England, appoints EDRIC
 STREONA, Earl or Viceroy of *Mercia*. (See
Northumbria.)

- 1018 Danes and English assemble at *Oxford*, and agree to
 accept the laws of *Edgar*^a.

- 1022 Another council, or Witenagemot, held at the same
 place, in which the Danes and English agree to
 accept the laws of *Edward* the Elder^b.

- 1035 HAROLD Harefoot chosen King of *Mercia* by the HAROLD
 influence of Earl LEOFRIC and the Thanes North
 of the Thames^c. Harefoot.

^a *Angli et Dani apud Oxenefordam de lege Regis Edgari
 tenenda concordēs sunt effecti.* (Flor. Wigorn.)

[The *English* and *Danes* came to complete agreement at
Oxford concerning the keeping of the law of King *Edgar*.
 (Florence of Worcester.)]

^b 1022 *Angli et Dani in colloquio apud Oxoniam celebrato
 de legibus Edwardi primi tenendis concordī effecti sunt.* Unde
 eisdem legibus jubente Rege *Cnutone* ab *Anglica* lingua in *Latinam*
 translatis, tam in *Dania* quam in *Anglia* propter eorum æquitatem,
 a regi præfato observari jubentur. (Flores Hist.)

[1022 The *English* and *Danes* in a conference which was
 held at *Oxford* concerning the keeping of the laws of *Edward*
 the First, came to complete agreement. Whereupon when these
 same laws at the command of King *Canute* were translated
 from the *English* tongue into *Latin*, they were ordered by the
 aforesaid king to be observed in the country of the *Danes*
 as well as in the country of the *English*, on account of their
 equity. (Flowers of the Histories.)]

These conventions seem to have been particularly held for
Mercia.

^c He is not expressly designated as King of *Mercia* in the
 account of this transaction as contained in the Saxon Chronicle,
 but he is so called on his accession to the government of all Eng-
 land. (Sim. Dunelm. 179. Flor. Wigorn. 622. See *Northumbria*.)

Part II.

MERCIA.

MIDDLE
ANGLES.
PEADA.

MIDDLE ANGLES.

- 653 PEADA, Ealdorman of the Middle Angles (see above, p. 480).

THORED.

- 1041 THORED, Comes or Earl of Middle Anglia about this time (see below, pp. 525, 526).

MERCIA.

EALDORMEN AND EARLS OF MERCIA,

After the final subjection of the Kingdom to the Imperial Supremacy of ~~W~~Essex^a.

ETHELRED,

- 883 ETHELRED, ETHERED, or EADRED, ruler of Mercia under the supremacy of ALFRED about this time^b—married to ETHELFLEDA, daughter

^a *Ethelred* and *Ethelfleda* appear to have possessed the usual authority of the “under-Kings.” *Edric Streone* appears rather in the character of a viceroy. Such portions of Mercia as are included in Danelaghe do not seem to have been subjected to these rulers.

^b I use the expression, because the style of the charter whence we collect this fact is singular and guarded, as if he wished to assert a full title to the sovereignty, without taking the title of King.

Ego *Æthelred*, divina largiente gratia principatu et dominio gentis *Merciorum* subfultus.

Ego *Athelred Merciorum* gentis ducatum gubernans. A.D. 884.

[I, *Æthelred*, by the bounteous grace of God, elevated to the principate and lordship of the people of the *Mercians*.

I, *Æthelred*, directing the command of the people of the *Mercians*. A.D. 884. (Smith’s Bede, App. p. 771.)]

Then follow the names of the Optimates of *Mercia*, from whence we may collect that the Kingdom then contained at least five subordinate Earldoms.

Wulfred—Werfrith—Deorlaf. Bishops.

Æthelweald—*Æthulf*—*Beornhæth*—*Æthelferth*—*Ealhhelm*. Ealdormen.

Eardwulf—*Ælfwald*—*Eadnoth*—*Ælfred*—and *Æthelmund*. (Smith’s Bede, App. p. 771.)¹

Ethelred’s ancestry is unknown: but as his daughter was

of ALFRED, by his wife *Ealhswitha*, of the royal line of Mercia. Part II.
MERCIA.

ETHELRED.

886 London granted to *ETHELRED* by ALFRED, to be held in fealty^a.

912 *ETHELRED*, "Patricius, Dux, Dominator, Ealdorman, or Subregulus^b" of Mercia, under ALFRED, dies—*ETHELFLEDA*, his widow, daughter of

considered as lawful heir by inheritance, it is probable that she had a lawful hereditary right transmitted to her.

^a *In fidelitatem* concessit. (Will. Malm. de Gestis Regum.) [Granted it to be held in fealty. (William of Malmesbury, Acts of the Kings.)] *Ethelredo comiti Merciorum* commendavit servandam. (Asser, p. 52.) [Entrusted it to the keeping of *Ethelred*, Earl of the Mercians. (Asser, Life of Alfred, p. 52.)]

^b *Æthelred*, Dux et Patricius gentis *Merciorum* cum licentiâ et impositione manus *Ælfredi* Regis una cum testimonio et consensu seniorum ejusdem gentis, episcoporum vel principum. 880. (Heming. p. 60.)¹

[*Æthelred*, Duke and Patrician of the people of the *Mercians*, with the license and laying on of the hands of King *Alfred*, together with the testimony and consent of the Elders of that same people, of the bishops and the princes. 880. (Heming's Chartulary, p. 60.)]

ÆLFRED, Rex *Anglorum* et *Saxonum*, et *ÆTHELRED*, Subregulus et Patricius *Merciorum* cum testimonio et licentia seu consensu senatorum, episcoporum seu ducum utriusque gentis. 889. (Heming. p. 41.)²

[*ÆLFRED*, King of the *Angles* and *Saxons*, and *ÆTHELRED*, Vassal King and Patrician of the *Mercians*, with the testimony and license or consent of the senators, the bishops or leaders of both peoples. 889. (Heming's Chartulary, p. 41.)]

EADWERD Rex.....*Æthelred* Dux *Merciorum* et *Æthelflæde*, senatoresque eorum. 907....*Æthelred* Dux et Dominator *Merciorum* necnon quoque et *Æthelflæde* cum testimonio episcoporum et principum aliquorumque senatorum sibi subsectorum³ (and see above, p. 310). [*EADWARD*, King.....*Æthelred*, Duke of the *Mercians* and *Æthelflæd* and their senators. 907....*Æthelred*, Duke and Master of the *Mercians* and *Æthelflæd* also, with the testimony of the bishops and princes and other Senators subject to him.] *Ethelred* is inserted amongst, and concludes the list of Mercian kings (Heming, p. 242).

Part II.
MERCIA.

Ealhswitha, the Lady of Mercia^a, still continues to govern the country, with the exception of London and Oxford, retained by *EDWARD*.

- ETHELFLEDA. 919) *ETHELFLEDA*, "Domina Merciorum," dies at
920) Tamworth, having held the government of Mercia, by legitimate authority, during eight years, leaving *Elfwin* or *Alwin*, her only daughter by Ethelred, heiress of the Kingdom. *Edward* takes possession of the country^b.

He and his wife are called "*Mercna Hlafordes*." A.D. 904. (Heming. p. 13.)

^a *Æthelfled Eadredo Merciorum comiti copulata est.* (Asser, p. 42.)

[*Æthelflæd* was wedded to *Eadred*, Earl of the *Mercians*. (Asser, Life of Alfred, p. 42.)]

Eximie vir probitatis, Dux et Patricius, Dominus et Subregulus *Merciorum Æthelredus*, post nonnulla quæ egerat bona decessit. Post ejus mortem uxor illius *Ægelfleda*, regis *Alfredi* filia, regnum *Merciorum*, exceptis *Lundonia* et *Oxeneforda*, quas suus germanus Rex *Eadwardus* sibi retinuit, haud brevi tempore strenuissime tenuit. (Flor. Wigorn.)

[*Æthelred*, a Duke and Patrician, Lord and Vassal King of the *Mercians*, a man of surpassing worth, died after a life spent in well-doing. After his death his wife *Æthelflæd*, daughter of King *Alfred*, held with great vigour for no short time the kingdom of the *Mercians*, with the exception of *London* and *Oxford*, which her brother King *Edward* retained for himself. (Florence of Worcester.)]

^b *Ægelfleda Merciorum Domina*, in principio anni, cum auxilio Dei, *Leogereceastram* pacifice acquisivit, et exercitum *Danorum*, qui ad illam pertinebat, ferme totum in deditionem accepit. Cui etiam *Dani* qui *Eboracæ* præsidebant, quidam pacto, quidam juramento, firmaverunt se ipsius voluntati et consilio in omnibus consensuros. Rex *Eadwardus*, invictissimus Senior, post Rogationes cum exercitu *Stanfordam* profectus est, firmamque in australi plaga annis *Welund* arcem munivit, et non solum *Danos*, qui in septentrionali plaga ejusdem annis arcem tenebant, sed et omnes qui ad illam pertinebant, in deditionem accepit. Dum hæc aguntur, soror illius *Ægelfleda Merciorum Domina*, insignis prudentiæ et justitiæ, virtutisque eximie fæmina, octavo anno ex quo sola regnum *Merciorum* strenuo justoque rexit moderamine 19 Calend. Julii obiit, et unicam filiam suam *Ælfwinnam* ex

Ætheredo Subregulo susceptam, hæredem regni reliquit. Cujus **Part II.**
corpus *Glavornam* delatum, in Ecclesia Sancti *Petri* est honorifice **MERCIA**
tumulatum. Quod ut regi nunciatum est, *Tomweorthige* mox **ETHELFLÆDA.**
properavit, eamque suo dominio subjugavit. Inde movens
exercitum, ad *Snotingaham* profectus est, captamque urbem
resarcire jussit, et in ea *Anglos* simul et *Danos* collocavit. Pro-
cessu vero temporis prius *Mercenses* omnes, et *Danos Merciam*
inhabitantes, deinceps tres reges *Britonum* videlicet *Howelum*,
Clitwic, et *Juthwal*, cum suis populis in sui deditionem obtinuit....

920 Post hæc, ab *Ælfinna* nepte sua omnem potestatem
regni *Merciorum* penitus ademit, et in *West Saxoniam* duci
præcepit. (Flor. Wigorn.)

[*Æthelflæd*, the Lady of the *Mercians*, at the beginning of
the year, with the aid of God, peacefully acquired *Leicester*,
and received the surrender of almost the whole of the *Danish*
army which belonged to that place. Moreover the *Danes*
stationed at *York*, some by pledge, others by oath, assured
her that they would bow to her will and counsel in all matters.
After the Rogations (May 31st) the invincible King *Eadward*
the Elder set out with his army for *Stamford* and fortified
a strong place in the country to the south of the river
Welland, and received the submission not only of the *Danes* who
held the fort on the northern side of the same river, but all
those that belonged to it. While these things were being done,
his sister *Æthelflæd*, Lady of the *Mercians*, a woman distinguished
for her foresight and justice as well as for her surpassing virtue,
in the eighth year after she had undertaken the undivided rule
of the kingdom of the *Mercians* with strong and just govern-
ment, died on the nineteenth of the Calends of July¹ and left
as heiress to the throne her only daughter *Ælfwynn* by *Æthelred*,
the Vassal King. And her body was brought to *Gloucester* and
honourably buried in the church of *St. Peter*. And when this
news was brought to the King, he at once hastened to *Tamworth*
and subjugated it to his rule. Moving his army thence, he
proceeded to *Nottingham*, and after capturing the city ordered
it to be repaired, and he stationed *Angles* and *Danes* together
in it. In process of time indeed he obtained the surrender first
of all the *Mercians* and all the *Danes* who dwelt in *Mercia*,
and then the three Kings of the *Britons*, to wit *Howel*, *Clitwic*
and *Juthwal*, with all their subjects.

920 After this he took entirely from *Ælfwynn* his niece all
the power of the Kingdom of the *Mercians*, and ordered that
she should be taken into *Wessex*. (Florence of Worcester.)

- Part II. 962) *ÆLFERE*, a Kinsman of *Edgar*, "Dux, Ealdorman,
 MERCIA— 983) or Heretoga^a" of *Mercia* about this time^b.
ÆLFERE. 983 *ÆLFERE*, Ealdorman of *Mercia*, dies.

EDWIN, or *AGILWIN*, afterwards called *Odda*, succeeds as heir of *ÆLFERE*, but immediately resigns his inheritance, and becomes a monk at Pershore—died 1056, and was buried^c in the monastery.

^a Ic *Oswald* þurh godes gife Bisceop, mid gefafunge and leafe *EADGARES* Angul cyninges and *ÆLFERES* Myrcna Heretogan. A.D. 962. (Heming. 125.) [I, *Oswald*, by God's gift Bishop, with assent and permission of *EADGAR*, King of the *English*, and *ÆLFHERE*, Duke of the *Mercians*. (Heming's Chartulary, p. 125.)]

^b 983 Dux *Merciorum* *ELFERUS*, propinquus Regis *Edgari* obiit. Ducatumque ejus *ALFRICUS* filius ejus suscepit. (Mailros. Flor. Wigorn.)

[983 *ÆLFHERE*, Duke of the *Mercians*, a relative of King *Edgar* died. And *ÆLFRIC* his son succeeded to his government. (Chronicle of Melrose. Florence of Worcester.)]

According to the tradition he was eaten up by vermin. (Will. Malm. de Gestis Regum, ii. 9.)

^c In 1259 his remains were discovered, together with a leaden plate, bearing the following inscription: "*Odda*, Dux quondam, priscis temporibus *Ædwinus* vocatus in baptismo, cultor Dei, monachus effectus fuit ante mortem, hic requiescit. Sit ei gaudium in pace cum Christo Deo. Amen." (Lel. Coll. I. p. 286.) [Here rests *Odda*, whilom Duke, in former times called *Edwin* at baptism, a worshipper of God, became a monk before his death. May he have joy in peace with Christ the God. Amen. (Leland, Collectanea, I. p. 286.)] The Saxon Chronicle says, "he was a good man, and pure, and very noble,"—but does not mention the name of his father. Flor. Wigorn. describes him as "*Agilwin*, id est *Odda*." The Chronicle used by Leland states, that he took the monastic habit in order to atone for the sins of his father *Ælfhere*, and as the accession of *ALFRIC* took place in the same year with the death of *Ælfere*, it follows that *Odda* immediately abdicated in favour of his brother. In the printed text of Leland, *Alfere* is called "*Delfere*," a mistake of the transcriber—the A and the D being scarcely distinguishable from each other in manuscripts.

985 *ÆLFRIC*, "Comes, Heretoga, or Ealdorman" of the Mercians (p. 313), another son of *Ælfere*, succeeds, but is banished from England^a. (Lib. Abb.)

Part II.

ÆLFRIC.

992 *ÆLFRIC*, Ealdorman about this time. Probably the same as the preceding.

1007 *EDRIC STREONA*, a man of low birth, who had married *Egitha*, daughter of *Æthelred*, appointed Dux, *Præfectus*, or Ealdorman over the whole Kingdom of Mercia^b.

EDRIC STREONA.

1016) *EDRIC STREONA* re-appointed Earl of Mercia by
1017) *Canute* (see above, p. 504).

^a 986 *ALFRICUS*, Dux *Merciorum* filius *ELFERI* Ducis *Angliæ*, expellitur. (Mailros. Chron. Johannis Abb. S. Petri de Burgo, p. 31, and see above, pp. 313, 316.)

[986 *ÆLFRIC*, Duke of the Mercians, son of *ÆLFHERE*, Duke of Anglia, is driven out. (Chronicle of Melrose. Chronicle of John, Abbot of Peterborough, p. 31.)]

^b On thissum geare wæs *Eadric* gesett to Ealdorman on eal *Myrcena* rice. [This year Eadric was appointed Alderman over all the kingdom of Mercia. (AS. Chronicle.)]

Rex, *Eadricum*, *Ægelrici* filium, hominem humili quidem genere, sed cui lingua divitias ac nobilitatem comparaverat, callentem ingenio, suavem eloquio, et qui omnes id temporis mortales tum invidia atque perfidia, tum superbia et crudelitate superavit, *Merciorum* constituit Ducem. Cujus fratres extiterunt *Brihtricus*, *Alfricus*, *Goda*, *Agelwinus*, *Agelwardus*, *Agelmerus* pater *Wulnothi*, patris *Westsaxonum* Ducis *Godwini*. (Flor. Wigorn.)

[The King appointed Duke of the Mercians, *Eadric*, the son of *Ægelric*; a man indeed of lowly birth, but whose tongue had acquired for himself both wealth and nobility, a man of ready wit, and of persuasive eloquence and one who surpassed his contemporaries in malice and treachery as well as in arrogance and cruelty. And his brothers were, *Brihtric*, *Ælfric*, *Goda*, *Ægelwine*, *Ægelward*, *Ægelmær* the father of *Wulfnath*, the father of *Godwine*, Duke of the West Saxons. (Florence of Worcester.)]

Part II.

MERCIA.

MERCIA.

HWICCAS.

HWICCAS, or "MAGESETANIA."

EANFRID.
EANHERE.

— EANFRID, and EANHERE his brother, Kings or Rulers of the HWICCAS^a.

OSRIC.
OSWALD.

676) OSRIC, or OSTRIC (supposed to be nephew of
689) Æthelred, King of Mercia—Mon. I. 541) appointed King or Subregulus of part of the Hwiccas, afterwards called Gloucestershire, and OSWALD in like manner, appointed Ruler of Worcestershire^b. (Mon. I. 541.)

KENFRITH

680) KENFRITH, the kinsman of Æthelred, Comes
685) Merciorum about this time^c.

^a Eaba, the Queen of Ethelwalk, of Sussex, who was already married, in 678, was the daughter of Eanfrid, and it should seem that Eanfrid and Eanhere must have ruled before Osríc and Oswald. They had received Christianity. (Bede, iv. 13.)

^b Osríc assumed the royal title in his charter (Mon. II. 264), and he is called King of the "Provincia Huicciorum," by Bede (iv. 23); it is therefore probable that he enjoyed the supremacy of the country, and that Oswald held his territory as an appanage. One chronicler erroneously identifies this Osríc (Mon. I. 542) with Osríc of Northumbria.

^c Kenfrith, Comes Merciorum, regii affinis sanguinis; vir corpore seculo, mente militans Deo¹....

[Kenfrith, Earl of the Mercians, who was of the royal blood; a man warring with his body for the world, with his spirit for God.]

Ego Æthelredus rex Merciorum rogatus a patricio meo ac propinquo Kenfritho....A.D. 681². [I, Æthelred, king of the Mercians, having been requested by my patrician and kinsman Kenfrith....A.D. 681.] Another charter, dated 685, is thus subscribed:—Berthwaldus, Subregulus. Kenfrithus, Patricius. Theodorus, Archiepiscopus. Sexwulfus, Licitfeld, et Bosel Wigornia, Episcopi. (Vita Aldhelmi, p. 10.)³ [Berthwald, Vassal King. Kenfrith, Patrician. Theodore, Archbishop. Sexwulf, Bishop of Lichfield and Bosel, Bishop of Worcester. (William of Malmesbury, Life of St. Aldhelm, p. 10.)] Berthwald was the son of Wulfere—"non quidem Rex potestate sed Subregulus in quadam regni parte" [not indeed with the authority of a King, but a vassal king in a certain part of the Kingdom]. It is possible

— BERHTWALD ?

680 OSHERE, King of the *Hwiccas*^a.

706 ÆTHELWARD, ETHELARD, or AILWARD^b,
King or Subregulus of the *Hwiccas*, son of *Oshere*.
AILRIC, EALRIC, or ETHELRIC, another son
of *Oshere* (see above, p. 300), reigned about the

Part II.

MERCIA.

BERHTWALD,
OSHERE,
ÆTHELWARD,

ETHELRIC,

that these princes may have governed part of the *Hwiccas*—but they are only inserted hypothetically.

^a OSHERE Rex, cum licentia præstantissimi Regis *Britanniæ*, Domini mei, nomine *Æthelred*. 680. (Heming. p. 46.)

[King OSHERE, with the license of the most excellent King of *Britain*, my Lord, by name *Æthelred*. 680. (Heming's Chartulary, p. 46.)]

Hwicciorum Subregulus *Osherus*, qui dignitate regia præsidebat. (Flor. Wigorn. p. 685.)

[*Oshere*, Vassal King of the *Hwiccas*, who ruled with the dignity of King. (Florence of Worcester, p. 685.)]

In another charter we find a "Subregulus *Hwicciorum Ofhere*" (Heming. p. 54), [*Ofhere*, Vassal King of the *Hwiccas*], probably the same person.

^b Ego ÆTHELWARD Subregulus, OSHERI quondam Regis *Wicciorum* filius. Ego COENREDUS, Dei dono Rex *Merciorum* eandem donationem telluris quam ÆTHELWARD, Subregulus *Wicciorum*, me concedente donavit, signo crucis munio. Ego Bertwald, Archiepsc. Ego Eadda, Episc. Ego Tobias, Episc. Ego Eadgar, Episc. Ego Nothberht, Episc. Ego CUTHBERHT, Comes *Wicciorum*, consensi. Ego Eadbert, Comes. Ego Eoppa, Comes. Ego Cuthberht, Comes. Ego Omulung, Abbas. Ego Wecta, Abbas. Ego Truttuc. Ego Wada. (Bib. Cott. Vespasian B xxiv, f. 23.)¹

[I, ÆTHELWARD, Vassal King, son of OSHERE, once King of the *Hwiccas*. I, COENRED by the gift of God King of the *Mercians*, do hereby fortify with the sign of the cross that same donation of land which ÆTHELWARD, Vassal King of the *Hwiccas*, did confer, with my sanction. I, Berhtwald, Archbishop. I, Eadda, Bishop. I, Tobias, Bishop. I, Eadgar, Bishop. I, Nothberht, Bishop. I, CUTHBERHT, Earl of the *Hwiccas*, have consented thereto. I, Eadberht, Earl. I, Eoppa, Earl. I, Cuthberht, Earl. I, Omulung, Abbot. I, Wecta, Abbot. I, Truttuc. I, Wada. (Cotton MS. Vespasian B xxiv, f. 23.)]

Part II.
MERCIA.

CUTHBERT.
EANBERHT,
UHTRED,
ALDRED.

same time^a, there being also *CUTHBERT*, bearing the title of Comes *Wicciorum*^b.

742) *EANBERHT*, *UHTRED*, and *ALDRED*, brothers,
758) and Subreguli of the "gens *Huicciorum*^c."

^a Ego *Ailricus*, *Oseri* Regis filius, consentiente Rege *Kenredo*, domino meo. A.D. 706. (Bib. Cott. *Vespasian B xxiv*, f. 29.)¹

[I, *Ailric*, son of King *Osere*, with the consent of King *Kenred*, my lord. A.D. 706. (Cotton MS. *Vespasian B xxiv*, f. 29.)

^b For *Ethelric*, see also above, p. 300, and Leland, *Collectanea*, I. p. 299.

^c *UHTREDUS*, Deo donante, *Regulus Huicciorum*...cum consensu et licentia *OFFANI* Regis *Merciorum* simulque episcoporum ac principum ejus. A.D. 770.

Ego *OFFA*, Dei dono Rex *Merciorum*, hanc donationem Subreguli mei consensi. Ego *UHTREDUS*, *Regulus* propriæ gentis. Ego *ALDREDUS*, Subregulus *Huicciorum* huic donatione fratris mei consentiendo subscribo. Ego *Mildredus*, *Huicciorum* Episcopus. Ego *Eada*. Ego *Brorda*. Ego *Eadbald*. Ego *Cynethryth*, Regina *Merciorum*. Ego *Etferdus*, filius amborum. (Heming. p. 323.)²

[*UHTRED*, by the gift of God under-King of the *Hwiccas* ...with the consent and license of *OFFA*, King of the *Mercians*, and at the same time of his bishops and princes. A.D. 770.

I, *OFFA*, by the gift of God King of the *Mercians*, have consented to this donation of my under-King. I, *UHTRED*, under-King of the people concerned. I, *ALDRED*, under-King of the *Hwiccas*, do hereby consent and subscribe to this donation of my brother. I, *Mildred*, Bishop of the *Hwiccas*. I, *Eada*. I, *Brorda*. I, *Eadbald*, and I, *Cynethryth*, Queen of the *Mercians*. I, *Ecgrith*, son of both. (Heming's *Chartulary*, p. 323.)]

UHTREDUS, Dei dono Subregulus *Huicciorum*..... secundum licentiam et permissionem domini mei excellentissimi *OFFANI*, Regis *Merciorum* et ducum ejus ac principum.....

Ego *OFFA*, *Merciorum* Rex. Ego *UHTREDUS*, Subregulus. Ego *ALDREDUS* frater *Uhtredi* atque Subregulus *Huicciorum*. Ego *Mildredus*, Episcopus. Ego *Eadbertus*, Episcopus.

Eata, Princeps. *Esne*, Dux. *Brorda*, Princeps. *Eamberht*, Dux. *Berhtwald*, Princeps. *Eadbald*, Dux. (Heming. p. 324.)³

[*UHTRED*, by the gift of God under-King of the *Hwiccas*,according to the license and permission of my most

excellent lord, *OFFA*, King of the *Mercians*, and of his dukes and princes.....

Part II.

MERCIA.

I, *OFFA*, King of the *Mercians*. I, *UHTRED*, under-King. I, *ALDRED*, brother of *Uhtred*, equally under-King of the *Hwiccas*. I, *Mildred*, Bishop. I, *Eadberht*, Bishop.

EANBERHT.
UHTRED.
ALDRED.

Eata, Prince. *Esne*, Duke. *Brorda*, Prince. *Eanberht*, Duke. *Berhtwald*, Prince. *Eadbald*, Duke. (Heming's Chartulary, p. 324.)]

Nos tres germani uno patre editi, *EANBERHT*, atque *UHTRED*, necnon et *ALDRED*, cum licentia et permissione piissimi Regis *OFFANI Merciorum*.

Ego *OFFA*, Rex *Merciorum*, huic donationi consensi et subscripsi. Ego *EANBERHT*, Regulus, consensi. Ego *UHTRED*, Regulus, consensi. Ego *ALDRED*, Regulus, consensi. A.D. 759. (Heming. p. 53.)¹

[We three brothers sprung from one father, *EANBERHT* and *UHTRED* and also *ALDRED*, with the license and permission of the most pious *OFFA*, King of the *Mercians*.

I, *OFFA*, King of the *Mercians*, have consented and subscribed to this donation. I, *EANBERHT*, under-King, have consented. I, *UHTRED*, under-King, have consented. I, *ALDRED*, under-King, have consented. A.D. 759. (Heming's Chartulary, p. 53.)]

EANBERHTUS, Deo prædestinante Regulus propriæ gentis *Huicciorum* simulque germani mei mecum *UHTREDUS* et *ALDREDUS* eadem vocabuli dignitate et imperio fungentes. 757. (Heming. p. 37.)²

[*EANBERHT*, by the predestination of God under-King of my own people of the *Hwiccas*, and at the same time my brothers with me, *UHTRED* and *ALDRED*, enjoying the same dignity and rule of that title. (Heming's Chartulary, p. 37.)]

OFFA, divinæ dispensationis gratia Rex *Merciorum*..... Ego quoque *ALDREDUS*, Subregulus *Wigornie* civitatis, hæc eadem confirmo.

[*OFFA*, by the grace of divine dispensation King of the *Mercians*..... I also, *ALDRED*, under-King of *Worcester*, do hereby confirm the same.]

Ic *ALDRED Wigracestres* under cining. A.D. 786. (Heming. p. 27.)

[I, *ALDRED*, under-King of *Worcester*.]

Osred, a noble minister or thane of this royal family, is noticed in one of *Ethelbald*'s charters:—

Osred, qui est de stirpe non ignobili prosapia regali gentis

- Part II. 799 *BRORDA*, otherwise *HIDEGILS*, Prince of the
MERCIA. *Mercians*, dies^a.
BRORDA.
HUGH. 800 *HUGO*, "Magnus" Dux, said to have flourished in
Mercia^b.
ETHELMUND. 800 *ETHELMUND*, Ealdorman of the *Hwiccsians*, also
called Duke of *Mercia*^c and "King of the March"
(Wilton Chron. Mon. II. 1315), gives battle to the
Wiltscættan.

Huicciorum, Minister *Æthelbaldi* Regis. A.D. 743 (Heming. p. 56.)¹

[*Osred*, who is of no ignoble stock but of the royal line of the people of the *Hwiccas*, a Thane of King *Æthelbald*. A.D. 743. (Heming's Chartulary, p. 56.)]

These princes reigned at the same time. There is one charter granted by *Aldred* and *Uhtred* (Hem. p. 106) and another by *Aldred* (Heming. p. 115); but the absence of dates, and other particulars, renders it impossible to ascertain whether they reigned over different districts, or whether they are to be considered as possessed of a joint dominion.

^a *Brorda Merciorum* princeps, qui et *Hildegils*. (Sim. Dunelm. and Hoveden.)

[*Brorda*, Prince of the *Mercians*, who is also called *Hildegils*. (Simeon of Durham and Roger of Hoveden.)]

^b So designated in the Chronicle of Tewkesbury (Bib. Cott. Cleopatra C iii, f. 220). I suspect that this *Hugo* is no other than *Hildegils* or *Brorda*.

^c It will be seen from the following passages that these titles were considered equivalent to each other.

Edelmundus consul recessit a *Wiccum* et veniens *Kinemeresford*, obviavit *Wicstano* consuli cum *Wilsatis*, et illico pugnaverunt, et ambo consules occisi sunt, et *Wilsates* vicerunt. (Hoveden, 236.)

[The Ealdorman *Æthelmund*, departed from the country of the *Hwiccas* and coming to *Kempsford*, met the Ealdorman *Wihstan* with the men of *Wiltshire*, and they fought in that place and both Ealdormen were slain and the men of *Wiltscættan* conquered. (Roger of Hoveden, 236.)]

Ordinatur *Ecgbyrht* super *Occidentales Anglos* in regnum; in ipso vero die transeunte *Æthelmund* duce per quoddam prædium quod *Huiccum* nuncupatur, veniens ad vadum quod dicitur *Cynemæresforda*, ibique ei occurrit *Uuextan* Dux, cum centurias

- 825 *WIGLAF*, Dux *Wicciorum*, advanced to the throne of *Mercia* (see above, p. 491). Part II.
MERCIA.
- 855 *ÆTHELWULF*, Dux (probably of the *Hwiccas*) about this time, married to *Wulfritha*^a. WIGLAF.
ÆTHELWULF?

The *Hwiccas*, properly so called, were conterminous with the ancient Bishopric of Worcester. The name of

populi provinciae *Uulsætan*; ambo cadunt illic inita pugna, *Uulsætæ* tamen victores existunt. (Ethelwerd, iii. 2.)

[*Ecgbyrht* was ordained to reign over the *Western Angles*, and on that very day as Duke *Æthelmund* was passing through the country of the *Hwiccas* and came to a ford which is called *Kempsford*, there he was met by Duke *Wihstan* with the hundreds of the people of *Wiltshire*. After joining battle both of them fall, but the people of *Wiltshire* were the conquerors. (Ethelwerd's Chronicle, iii. 2.)]

And thy ilcan dæg rad *Æthælmund*, Ealdorman, of *Hwiccum* ofer æt *Cynemæres* forða; tha gemette hine *Weohstan*, Ealdorman, mid *Wilsætum*. [And on the same day, the Ealdorman *Æthelmund* rode over from the *Hwiccas* at *Kempsford*: then the Ealdorman *Weohstan* with the *Wiltshire* men met him. (AS. Chronicle.)]—Eodem vero anno quo Rex *Brihticus* decessit, contigit *Merciorum* ducem *Æthelmundum* de *Mercia* cum suis exiisse, vadumque quod lingua *Anglorum* *Cynmeresford* nominatur transisse. Cujus adventu cognito, *Wiltoniensium* Dux *Weohestanus* cum *Wiltoniensibus* ascendit contra eum. (Flor. Wigorn.)

[In the same year indeed as that in which King *Brihtic* died it came to pass that *Æthelmund*, Duke of the *Mercians*, set out with his men from *Mercia* and came to a ford which in the tongue of the *Angles* is called *Kimmeresford*. And when his arrival was made known to *Wihstan*, Duke of the *Wiltshiremen*, he went up against him with the *Wiltshiremen*. (Florence of Worcester.)]

^a “*ÆTHELWULF* Dux,” also called “*ÆTHELWULF* Princeps,” and his wife, *Wulfthryth*, obtain a grant of lands from *Ealhhrun*, Bishop of Worcester, A.D. 855. (Smith's Bede, App. p. 769.)¹

In 887, “*ÆTHELWULF* Dux” enters into a concord “cum testimonio *ELFREDI* Regis et *ETHELREDI* Ducis *Merciorum*” [with the testimony of King *ALFRED* and *ETHELRED*, Duke of the *Mercians*] concerning lands claimed by the see of Worcester. (Heming, p. 30.)

Part II.
MERCIA.

"*Magesæte*" was given to the people who inhabited this district, and also to the inhabitants of the ancient Bishopric of Hereford, *West-Hecana*, or *Hecana*, the *Fferregs* of the Britons (Flor. Wigorn. 684, 685); and it is probable, that the *West-Hecana* may always have been a dependant member of the *Hwiccian* State. But Florence clearly considered both Bishoprics as parts of *Magesetania*, though modern writers restrict that name to Hereford. After the Danish invasions, the *Hwiccas* formed the nucleus of *Ethelred's* kingdom, Worcester being his capital. But from this period no individual is styled "Dux" or "Comes" of the "*Hwiccas*," though the name continued to be applied to the Bishopric of Worcester, in documents relating to ecclesiastical jurisdiction.

WORCESTER.

WORCESTER.

HACO.

1029 HACO, Earl of Worcester? son of *Eric*, Earl of Northumberland, by *Githa*, sister of King CANUTE, compelled to leave England^a.

^a *Hacun*, who, with the title of Dux, frequently appears as a member of Canute's Witenagemot, is specially addressed as an Earl, in *Worcestershire*, in the following writ. But it is possible that he was also Earl of other shires: for his power was so great, that Canute dreaded lest he should deprive him of his life or kingdom.

Post festivitatem Sancti *Martini*, *Danicum* Comitem *Hacun*, qui nobilem matronam *Gunildam*, sororis suæ et *Wyrtegeorni* Regis *Winidorum* filiam in matrimonio habuit, quasi legationis causâ, in exilium misit. Timebat enim ab illo vel vita privari vel regno expelli. (Flor. Wigorn. Sim. Dunelm. Flores Hist.)

[After the festival of St. *Martin*, he sent into exile, ostensibly for the purpose of an embassy, the Danish Earl *Hakon*, who had married a noble matron *Gunhild*, a daughter of his sister and *Wyrtegeorn*, King of the *Wends*. For he feared that he would either be deprived of his life by him or else be driven out of his kingdom. (Florence of Worcester. Simeon of Durham. Flowers of the Histories.)]

The Saxon Chronicle omits the statement, but mentions the death of the doughty Earl in the following year. Sim. Dunelm.

- 1041 *RAULF*, grandson of *Æthelrød* (being the son of his **Part II.**
daughter *Goda*, by Walter de Mantes), Earl of the **MERCIA.**
RAULF.

adds, that some say he was killed in the Orcades. Haco was doubly allied to Canute, as his nephew and as the husband of his niece.

CNUT Rex salutat *Leofwinum* Episcopum, et *Hacun*, Comitem, et *Leovricum*, Vicecomitem, et omnes Barones in *Wyrecestrescire* amicabiliter. Et ego manifesto vobis, quod ipse concedo *Brihtwino* meo Baroni illas quinque hydas apud *Benyngwurthe* in suis diebus, propterea quod ipsa terra ad meam manum fuit forisfacta. Nunc habet ipse meam amicitiam adquisitam, sicut nos concordamus, ea conventionem ut post suos dies eat ipsa terra in sancto monasterio de *Evesham*, illis Dei servis ad victum semper in perpetuum. Et si quis hoc perverterit habeat sibi cum Deo iudicium et cum Sancta Maria et cum omnibus Sanctis ante Dominum in die iudicii. Valete. (Bib. Cott. Vespasian B xxiv, f. 30.)

[*CANUTE* the King salutes in all friendship Bishop *Leofwine* and Earl *Hakon* and Sheriff *Leofric* and all the Barons in *Worcestershire*. And I do hereby declare to you that I concede to *Brihtwine*, my Baron, those five hides of land at *Bengworth* in his life-time, because that land was forfeit to my hand. Now he has obtained my friendship, even as we are agreed, on these terms that after his days that land should go to the holy monastery at *Evesham*, to those servants of God for their perpetual maintenance. And if anyone shall alter this, may he have to answer for it with God and with the Holy Mary and with all the Saints before the Lord on the day of judgment. Fare ye well. (Cotton MS. Vespasian B xxiv, f. 30.)]

Haco appears as a member of the Witenagemot in the following charter:—

Ego *CNUT*, Rex totius *Albionis* insulæ aliarumque nationum plurimarum in cathedra regali promotus, cum consilio et decreto Archiepiscoporum, Episcoporum, Abbatum, Comitum, aliorumque omnium meorum fidelium.....

Ego *CNUT* Rex gentis *Anglorum* aliarumque nichilominus hoc privilegium jussi componere et compositum cum signo Dominicæ crucis confirmando impressi. Ego *Alfgifa*, Regina, omni alacritate mentis hoc confirmavi. Ego *Uulstanus*, Archiepsc. consensi. Ego *Adelnodus*, Archiepsc. confirmavi.

Ego *Godwinus*, Epsc. corroboravi. Ego *Alfwinus*, Epsc. assensum dedi. Ego *Alfsinus*, Epsc. consignavi. Ego *Athericus*,

Part II.
MERCIA.
RAULF.

Magesæte^a (Flor. Wigorn. Hoveden); he was afterwards banished.

Epsc. conclusi. Ego *Alfwius*, Epsc. roboravi. Ego *Brihtwaldus*, Epsc.

Ego *Iric*, Dux. Ego *Godwinus*, Dux. Ego *Ulf*, Dux. Ego *Eglaf*, Dux. Ego *Hacun*, Dux. Ego *Leofwinus*, Dux. Ego *Godricus*, Dux.

Ego *Oslacus*, Miles. Ego *Thored*, Miles. Ego *Thurkill*, Miles. Ego *Thrym*, Miles. Ego *Brosor*, Miles. Ego *Alfricus*, Miles. Ego *Alfwynus*, Miles.

Ego *Leofricus*, Abbas. Ego *Alfwardus*, Abbas. Ego *Athelstanus*, Abbas. Ego *Alfsius*, Abbas. Ego *Leofwinus*, Abbas. Ego *Wulfredus*, Abbas. Ego *Ofkytelus*, Abbas.

Ego *Alfwinus*. Ego *Alfricus*. Ego *Leofsius*. Ego *Leofricus* (Mon. III. 138.)

[I, CANUTE, King of the whole of the island of *Albion* and of very many other peoples, raised to the royal seat, with the counsel and decree of the Archbishops, Bishops, Abbots, Earls and all others of my faithful followers.....

I, CANUTE, King of the people of the *English* and of other peoples, have never the less ordered this grant to be drawn up, and in confirmation thereof have impressed it when drawn up with the sign of the cross of our Lord. I, *Ælfgifu*, Queen, with all alacrity of mind have confirmed this. I, *Wulfstan*, Archbishop, have consented thereto. I, *Æthelnoth*, Archbishop, have confirmed it.

I, *Godwine*, Bishop, have corroborated. I, *Ælfwine*, Bishop, have given my assent. I, *Ælfsige*, Bishop, have appended my signature with the others. I, *Æthelric*, Bishop, have concluded it. I, *Ælfwig*, Bishop, have corroborated. I, *Brihtwald*, Bishop.

I, *Iric*, Duke. I, *Godwine*, Duke. I, *Ulf*, Duke. I, *Eglaf*, Duke. I, *Hakon*, Duke. I, *Leofwine*, Duke. I, *Godric*, Duke.

I, *Oslac*, Knight. I, *Thored*, Knight. I, *Thurkill*, Knight. I, *Thrym*, Knight. I, *Brosor*, Knight. I, *Ælfric*, Knight. I, *Alfwyn*, Knight.

I, *Leofric*, Abbot. I, *Ælfward*, Abbot. I, *Athelstan*, Abbot. I, *Ælfsige*, Abbot. I, *Leofwine*, Abbot. I, *Wulfred*, Abbot. I, *Ofcytel*, Abbot.

I, *Alfwyn*. I, *Ælfric*. I, *Leofsige*. I, *Leofric*. (Mon. III. 138.)]

^a In the printed text he is called *Roni*, by mistake for *Rou*, or *Raou*.¹

- 1051 *RAULF*, Earl, about this time, having been restored to his Earldom by the Confessor. Part II.
MERCIA.
RAULF.
- 1057 Death of Earl *RAULF*^a.

^a *Ralph* has been considered as Earl of *Hereford*, and he is called "*Comes Herefordensis*" by Malmesbury (ii. 13), but *Hereford* was at that time included in *Sweyne's* Earldom, and the texts (Flor. Wigorn. &c. 1055) upon which this opinion is founded, only say that the "timid Duke *Ralph*" met *Algar* and his Welsh allies within two miles of the city of *Hereford*. The exile of Earl *Ralph* is stated in the History of Ramsey. He obtained a *præstaria*, *Læn* or Loan of certain lands belonging to the monastery. The history of the transaction may be compared with the preceding examples. (See above, p. 283 &c.)

.....Postquam igitur laboris sui Abbas *Alfwinus* votivo gaudens proventu, in prædictorum de Regis beneficio missus est possessionem prædiorum. Comes quidam *Radulphus* nomine, *Normannus* natione, quem Rex *Edwardus*, de tædiosi latibulis exilii olim revertens, secum in *Angliam* adduxerat, sicut in quodam cyrographo vetustissimo *Anglice* scriptum reperimus, ab Abbate et Fratribus *Ramesiensibus*, villam de *Crancfeld* in vita sua tenendam postulavit. Videntes itaque abbas et fratres nobilitatem viri, et eum in domo Regis, et in tota curia, inter cæteros honoratos plurimum, posse perpendentes, ex licentia Regis præfatum ei manerium, nomine ecclesiæ, sicut petierat, tenendum sub ea conditione concesserunt, ut eo defuncto, ecclesia *Ramesiensis* jus suum libere cum instauratione et omni melioratione, nullo prohibente, reacciperet, et de terra ejusdem comitis *Cherletonam* et *Brunstanethorp* pro anima ipsius in perpetuam eleemosynam possideret. In hæc vota coram Rege partes alterutræ convenerunt, et sub multorum testimonio hoc inter se fœdus, facto triplici chirographo, firmaverunt, una pars scripti, jubente Rege, in ejus Capella cum reliquiis, quas habebat, sanctorum remansit, alteram comes, tertiam vero fratres apud se in pignus securitatis retinuerunt: hæc ergo universa eorundem indicio cyrographorum, quæ *Anglice* exarata, et pene vetustate invenimus consumpta, utrumque cognoscentes, huic opusculo non incongrue, ad lectoris notitiam, præter *Crancfeld* solam, amiserimus, nec scripti nec alicujus relatoris habuimus documentum; ut tamen creditur, in adventu *Normannorum*, alienigenis aliena licenter invadentibus, in alienæ sortem hæreditatis omnes sorte nobis flebili concesserunt. (Hist. Rams. p. 458.)

Part II.
MERCIA.
HEREFORD.

HEREFORD, or HECANA.

This Province seems to have constituted the Kingdom of

MERWALD.

— MERWALD, the brother of WULFHERE (see above, p. 481).

[Afterwards therefore Abbot *Ælfwine*, rejoicing in the longed-for result of his labours, was sent to take possession of the aforesaid estates in accordance with the King's bounty. A certain Earl, by name *Ralph*, a *Norman* by birth, whom King *Edward*, when he was formerly returning from the retreat of his weary exile, had brought with him to *England*, asked (as we find written in *English* in a certain very old indenture) the Abbot and brethren of *Ramsey* for the township of *Cranfield* to be held by him in his lifetime. And so the Abbot and the brethren seeing the rank of the man and considering that he was a man of the greatest influence in the King's household and in the whole court among those who were held in honour, with the King's license, conceded to him the aforesaid manor in the name of the community, as he had asked, to be held by him on this condition:—that when he died, the community of *Ramsey* should recover freely the right thereof, without let or hindrance, together with the stock and all improvements, and that it should have possession of *Cherleton* and *Brunstanethorp* out of the Earl's lands in perpetual alms for his soul's sake. In this engagement all the parties agreed in the presence of the King, and with the witness of many, established this agreement between themselves by the writing of a threefold indenture. One part of this writing at the King's orders remained in his Chapel with the relics of the Saints which it contained, another part the Earl held, the third the brethren retained for themselves for a safeguard. The whole of this therefore on the evidence of these same indentures, which are written down in *English* and which we found almost consumed with age, we, having regard to both facts, have thought might with propriety be inserted in this work, for the information of the reader. In what way however we have lost all those lands, save *Cranfield* alone, we have no evidence either in writing or by word of mouth; as is the common belief however, on the arrival of the *Normans*, as foreigners entering without restraint on the property of strangers, they granted and allotted them all to be the heritage of another—a sorrowful mischance for us. (Chronicle of Ramsey, p. 458.)]

Sanctus *Merwaldus West-Hecanorum Rex* (Flor. Part II.
Wigorn. 691) [Saint *Merwald*, King of the West-**MERCIA**.
Hecani]. **HEREFORD.**

1056 *Alfnoth*, Scir-gerefa or Sheriff of *Hereford*.

WARWICK.

WARWICK.

962 *Huva*, or *Uva* the *White*, or *Fair*, Vicecomes of *Huva*.
Warwick about this time^a.

CHESTER and COVENTRY^b.

**CHESTER and
COVENTRY.
LEOFRIC I.**

— **LEOFRIC I^c.**

^a By the name and style of "*Vua the hwede Vicecomes Warwickie*" [*Uva the Hwede*, Sheriff of *Warwick*], he makes a grant to *Evesham*,—"consentiente Domino meo *Eadgaro*" (Bib. Harl. 3763)¹, [with the consent of my Lord *Edgar* (Harleian MS. no. 3763)]. A note in the margin of the manuscript, "*Huva Vicecomes Warevic*," leads to the division of the epithet from the name, though the orthography of the latter is uncertain. The same chartulary contains a charter granted by "*Ceolred*," concerning lands "in *plaga Warwicensi*" [in the district of *Warwick*]²—perhaps the earliest notice of the province.

^b These princes were bounteous benefactors to the monastery of *Coventry*, as well as to other churches, and the materials of their history are principally found only in connexion with the history of these foundations. To a manuscript of *Florence of Worcester*, quoted by *Dugdale* (Mon. III. 192) as belonging to the Archbishop of *Armagh*, is appended their genealogy. The earlier descents are somewhat dubious—the subsequent portion is more trustworthy—there is so little improbability in the marriage of *Lucia*, the last heiress of the line, with a Norman noble, that I am not inclined to throw any doubt upon the statement. The author of the genealogy appears to have used the same materials as the chroniclers of *Croyland* and *Peterborough*.

I am afraid that the historical reputation of *Leofric III.* has been somewhat damaged by *Peeping Tom*; but the earlier writers

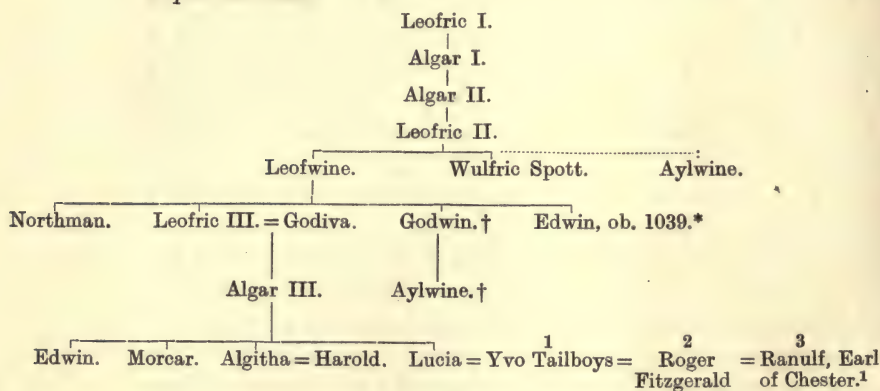
^c For note see p. 524.

Part II.	—	ALGAR I. son of Leofric I.
MERCIA.	—	ALGAR II. son of Algar I.
ALGAR I.	—	LEOFRIC II. son of Algar II.
ALGAR II.	—	LEOFWINE, son of Leofric II.
LEOFRIC II.		
LEOFWINE,		
NORTHMAN,	1017	} NORTHMAN killed by the orders of Canute; he is succeeded by his brother, LEOFRIC ^a .
	1018	

know nothing of the adventures of the fair Godiva. From the insertion of the story in Brompton (p. 949) and Knyghton (p. 2223) we can only ascertain that the tale was current at an early period, and that it did not lose ground in public estimation. "In memory of this fact," furthermore says Dugdale, "the pictures of Earl Leofric and his lady were set up in a south window of Trinity Church in Coventry, about the time of Richard II.; the Earl holding a charter in his right hand, on which was written,

I Luriche, for the love of thee,
Doe make Coventre tol-free."

But notwithstanding this venerable testimony, it may be questioned whether the franchise would have stood the test of a *quo warranto*.



^c *Leuricus Comes Leycestrice* appears as one of the magnates whose signatures are affixed to a charter purporting to have been granted by Ethelbald. (Ingulphus, p. 7.) Like the other Croyland charters, the text of this instrument is liable to great suspicion.

^a The Saxon Chronicle calls him *Northman*, the son of *Leofwine*. Sim. Dunelm. adds, that he was the brother of *Leofric*. *Frater scilicet Leofrici Comitis* [that is the brother of Earl *Leofric*]

* Sim. Dunelm. p. 186.

† Heming. p. 259.

- *LEOFRIC III.* favoured by Canute, and acquires **Part II.** great power and influence from his wealth and **MERCIA.** from his party—married to *Godiva*, said to be the daughter of *Thorold*, “Vicecomes” of *Lincoln*. *LEOFRIC* is styled Comes of *Hereford*^a, of *Chester*, and of *Mercia* (see above, p. 323), and it is possible that he did possess the supremacy of the whole of ancient *Mercia*, and that the Earls of the other portions were subordinate to him. *LEOFRIC III.*

1035 *HAROLD Harefoot* raised to the government of all England, by the influence of *LEOFRIC* and the Thanes north of the Thames.

1041 *LEOFRIC* assists in punishing the citizens of Worcester^b.

he then proceeds—*Leofricum pro Northmanno suo germano Rex constituit Ducem et eum postmodum valde carum habuit* [the King appointed *Leofric* duke in the place of his brother *Northman* and thereafter held him in great affection].

^a See Will. Malm. *ut supra*, p. 423.

^b Hoc anno Rex *Anglorum Hardecanutus* suos *Huscarlas* misit per omnes regni sui provincias ad exigendum quod indixerat tributum. Ex quibus duos, *Feader* scilicet et *Turstan*, *Wigornenses* provinciales cum civibus, seditione exorta, in cujusdam turris *Wigornensis* monasterii solario, quo celandi causa confugerant, quarto nonas Maii, feria secunda, peremerunt. Unde Rex ira commotus, ob ultionem necis illorum, *Thurum Mediteraneorum*, *Leofricum Merciorum*, *Godwinum Westsaxonum*, *Siwardum Northimbrorum*, *Ronum Magesetensium*, et cæteros totius *Angliæ* comites, omnesque ferme suos *Huscarlas*, cum magno exercitu (*Alfrico* adhuc pontificatum *Wigornensem* tenente) illo misit; mandans ut omnes viros (si possint) occiderent, civitatem deprædatam incenderent, totamque provinciam devastarent. Qui die veniente secundo Iduum Novembrium, et civitatem et provinciam devastare cœperunt, idque per quatuor dies agere non cessaverunt, sed paucos vel è civibus vel provincialibus ceperunt aut occiderunt, quia præcognito adventu eorum provinciales quoque locorum fugerant. Civium vero multitudo in quandam modicam insulam, in medio *Sabrinæ* fluminis sitam, quæ *Beverge* nuncupatur, confugerant: et munitione facta, tam diu se viriliter adversus suos inimicos defenderant, quoad pace recuperata, libere domum licuerit eis redire. Quinta igitur die

- Part II.** 1047} Earl *LEOFRIC* opposes the grant of 50 vessels to
MERCIA. 1048} Sweyne, advised by Earl Godwin.
LEOFRIC III. 1051 Earl *LEOFRIC* summoned to assist Edward with all
his forces.
1057 Sept. 30.—Death of Earl *LEOFRIC*—succeeded in
his government by his son^a.

civitate cremata, unusquisque magna cum præda rediit in sua, et Regis statim quievit ira. (Flor. Wigorn.)

[In this year *Hardacanute*, King of the *English*, sent his *Huscarles* through all the provinces of his Kingdom to exact the tribute that he had ordered. And of these the men of the province of *Worcester*, who in conjunction with the citizens had raised an insurrection, killed two men, to wit *Feader* and *Turstan*, in the upper chamber of a tower of the monastery of *Worcester*, whither they had fled to hide themselves, on Monday the 4th of May. Whereupon the King, moved to anger, in order to avenge the death of these men sent thither with a large army *Thuri*, Earl of the *Midlands*, *Leofric*, Earl of the *Mercians*, *Godwin*, Earl of the *West Saxons*, *Siward*, Earl of the *Northumbrians*, *Roni*, Earl of the *Magasæte* and the remaining Earls of the whole of *England* and almost all his *Huscarles* (*Ælfric* was still holding the Bishopric of *Worcester*), and ordered them to slay all the men, if they could, and to plunder and burn the town, and devastate the whole province. On the eve of the 12th of November, they began to lay waste both the city and the country-side, and they did not cease doing this for four days, but they caught or put to death few of the people of the city or the country, because, their arrival having been known in advance, the men of the country had also fled elsewhere. Indeed a great many of the people of the city had fled to a certain small island, situated in the middle of the river *Severn* and which is called *Beverege*; and having entrenched themselves there, they made a long and sturdy resistance against their enemies, until at last peace was re-established and they were freely permitted to return to their homes. On the fifth day therefore, after burning the city, each of them returned to his home with much plunder, and the anger of the King was quickly appeased. (Florence of Worcester.)]

^a *Leofricus*, Consul nobilissimus *Cestriæ* defunctus est eo tempore. *Algarus* vero, filius ejus, suscepit consulatum *Cestriæ*. (Hen. Hunt. p. 210.)

[*Leofric*, the noble Ealdorman of *Chester*, died at that time.]

1057 *ALGAR* III^a.

Part II.

MERCIA.

1058 *ALGAR* is outlawed by *Edward* the Confessor—
recovers his Earldom by the help of *GRIFFITH*^b
of Wales and the Northmen—he died some time
before 1065, when we find

ALGAR III.

1065 *EDWIN* his son in possession of the Earldom.

EDWIN.

1066 *EDWIN*^c submits to *William* the Conqueror, and
does fealty to him.

EDWIN slain in the Isle of *Ely*.

However his son, *Algar*, became Ealdorman of *Chester*. (Henry of Huntingdon, p. 210.)]

^a Florence of Worcester, p. 670, and Simeon of Durham (who have been followed by Brompton and Hoveden), have given a particular account of *Leofric*'s death, together with his portrait. The shorter account in the Saxon Chronicle is remarkable because it describes the accession of *Algar* in the phrase also employed to describe the accession of the Anglo-Saxon Kings.

The death of *Edwin* the brother of *Leofric*, who was killed by the Welsh, is incidentally mentioned by Simeon of Durham. From a recital in one of the Worcester Charters (Heming. p. 259) we become acquainted with *Godwin*, and his son *Aylwin*—the latter was cruelly treated by the Danes, who cut off his hands when he was in their power as an hostage. Another charter is very curious, as well on account of the facts which it narrates, as of the evidence which it affords concerning *Leofric*. (Heming. p. 261.)

^b *Algarus Merciorum* Comes a Rege *Edwardo*, secundo exlegatus est. Sed regis *Walanorum Griffini* juvamine et *Norreganicæ* classis amminiculo, quæ ad illum venerat ex improviso, cito per vim suum comitatum recuperavit. (Flor. Wigorn. Sim. Dunelm.)

[*Algar*, Earl of the *Mercians*, was outlawed a second time by King *Edward*. But with the help of *Griffin*, King of the *Welsh*, and with the support of a fleet of the *Northmen*, which had come to him unexpectedly, he quickly regained his Earldom by force. (Florence of Worcester. Simeon of Durham.)]

^c Malmesbury intimates that *Edwin* was associated to his brother in the Earldom of Northumbria.

Part II.

MERCIA.

LANCASTER?

LANCASTER?

WULFRIC.

- 1010 WULFRIC, otherwise *Wulfric Spott*^a, "Consul ac Comes *Merciorum*" ["Ealdorman and Earl of the *Mercians*"].

SALOP.

SALOP.

ALFHELM?

- 1006 The noble Duke ALFHELM assassinated at *Shrewsbury* by *EDRIC STREONA* (Flor. Wigorn.). He

^a This munificent founder of the Abbey of Burton-upon-Trent was killed at Ipswich, in battle with the Danes, October, 1010, and buried in the monastery. In the Saxon Chronicle, Simeon of Durham, &c. he is described as "*Wulfric*, the son of *Leofric*." The Chronicle of Burton (Mon. III. 47) speaks of his brother, the Duke *Alwine*, and his relation, the Comes *Morcar*. Without doubt this narrative was compiled from the Obituary of the House; but it is possible that the transcriber may have confused the descents. A *Morcar* is a devisee in *Wulfric's* will (Mon. III. 37), and it appears, from the same document, that *Wulfric* was the godfather of *Morcar's* daughter by his wife *Ealdgyth*. *Wulfric* was possessed of the land between the *Ribble* and *Mersey*, probably the Wapentakes of *West Derby* (often confounded in records with *Derbyshire*), *Salford* and *Leylandshire*, and of very large domains in the counties of Nottingham, Derby, Stafford, Warwick, and Leicester, and he had also some lands in York. The title which I have ascribed to him is conjectural. His will (Monasticon, *ut supra*) is a singular and important document, requiring much topographical and legal illustration. Dugdale's translation is not particularly accurate. The testator bequeaths certain lands between *Ribble* and *Mersey*, and in *Wirral*, to *Ælfhelm* and *Wulfsige*, to be equally divided between them, upon the following condition:—"On þæt gerad ðonne sceadd-geinge sy, ðæt heora ægðer sylle ðreo ðusend sceadda into ðære stowe æt Byrtune." [On the condition that, when shad are in season, each of them give three thousand shad to the convent at Burton.] That is to say, that each of them shall pay three thousand sceattas to the monastery of Burton, when the *scot* or *sceat* is imposed upon, or is payable by, the land. This charge is interpreted by Dugdale, as a render of so many thousand skates whenever the skate-fishery shall take place.

appears to have been a person of great dignity, **Part II.** perhaps the "Cognatus" of *WULFRIC SPOTT*, **MERCIA.** and a devisee under his will. *EDRIC STREONA* himself has been called "*Comes Salopiæ*" [*Earl of Shrewsbury*]. (Brompton, p. 906.)

STAFFORDSHIRE.

**STAFFORD-
SHIRE.**
EDWINE.

— *EDWINE*, Earl of this Shire^a.

OXFORDSHIRE.

**OXFORD-
SHIRE.**

735 *AIDAN*, or *DIDANUS*, father of St. Fritheswida, *AIDAN.*
Subregulus of Oxford^b.

— Included in the Earldom of *GURTH*^c, brother of *GURTH.*
HAROLD.

GAINSBOROUGH.

**GAINS-
BOROUGH.**
ETHELRED.

868 *ETHELRED*, "Comes Gainorum" [Earl of Lincoln-
shire], of the royal line of *Mercia*—his daughter,
Ealswitha, married to Alfred. (Asser.)

903 Death of *ETHELWULF*, or *ATHULF*, son of the *ETHELWULF.*
preceding^d.

^a Writ addressed to him and *Leafwine* the Bishop, by the Confessor. (Mon. I. 300.)

^b The Life of St. Fritheswida, John of Tinmouth, and the Register of Osney, and the other narratives concerning St. Fritheswida, all concur in describing her father as above. Her mother is called *Safrida*. (Mon. II. 143.)

^c Mon. I. 297.

^d *Strenuissimus Dux Athulfus, Eahlswithæ Reginæ germanus.* (Flor. Wigorn. Sim. Dunelm.)

[The most powerful Duke *Athulf*, brother of Queen *Eahlswith*. (Florence of Worcester. Simeon of Durham.)]

Part II.

MERCIA.

HONOUR of GLOUCESTER.

Honour of
Gloucester.

- 930 AILWARD, ALRED, or ETHELRED, surnamed *Sneaw*, from his fair complexion, a benefactor of Tewkesbury, succeeded by his son

ALGAR.

— ALGAR.

BRICTRIC.

- 1066 BRICTRIC (son of ALGAR) surnamed *Meaw*, killed, as it is said, by the procurement of *Matilda*, the wife of the Conqueror^a.

-
- 1051 SWEYN, son of Earl GODWIN, the grandson of *Egilmar*, brother of EDRIC STREONA, Earl of the Shires of Oxford, Gloucester, Hereford, Somerset, and Berks^b. (See above, p. 437.)

^a See *Lel. Coll.* I. 78, and the Chronicle of Tewkesbury, Bib. Cott. Cleopatra C iii (*Monasticon*, II. 60). Disappointed love is said to have been the cause of *Matilda's* ire. She had courted *Brihtric*, when he had been despatched upon important affairs to foreign parts. William, the Chronicle proceeds, granted the Honour of Gloucester to *Matilda* for her life, and upon her decease it reverted to the crown. In process of time it was granted by William Rufus to Robert Fitz-Hamon, with all the rights and liberties by which *Brihtric* had held the same. "*Iste Willielmus processu temporis dedit honorem Brictrici Roberto filio Hamonis cum omni libertate et integritate quibus pater suus vel etiam ipse Brictricus unquam tenuerunt.*" [This *William* in the process of time gave the honour of *Brihtric*, to *Robert*, son of *Hamon*, with every right and exemption with which his father, or even *Brihtric* himself, had always held it. (*Mon.* II. 60.)] This account is in some degree confirmed by *Domesday*, where it appears that *Brictric*, the son of *Algar*, held *Avening*, *Tewkesbury*, *Fairford*, *Thornbury*, *Whitenhurst*, and various other possessions in Gloucestershire, which had been afterwards granted to *Matilda*. (*Domesday* I. 161, &c.) The style of "*Comes*" is not given to him in the record, but its silence is not conclusive against his possession of the dignity.

^b This dismemberment of Mercia, with the addition of a portion of Wessex, appears to have been erected into an Earldom in favour of *SWEYNE*, as we do not find the same union at any earlier or later period.

LINDISSE, or LINCOLN.

Part II.
MERCIA.

628 BLECCA, "Præfect" of the City of Lincoln, and Chieftain of the "gens Lindisfarorum" about this time^a.

LINCOLN.
BLECCA.

716 EGGA^b.

EGGA.

— ALGAR the Elder^c.

ALGAR I.

— ALGAR the Younger^c.

ALGAR II.

— GODWIN, Ealdorman of Lindisige, killed in the great battle of Ashingdon.

GODWIN.

1016 Osgod, Vice-Dominus of Lincoln^c.

Osgod.

BRUNNE, in LINCOLNSHIRE.

BRUNNE in
Lincolnshire.
Morcar.

870 Morcar, Lord of Brunne^c.

NORTHAMPTONSHIRE.

NORTHAMP-
TONSHIRE.
Wulsib.
Northman.

— Wulsib and Northman, Scire-gerefas^d.

^a His rank is ambiguously described by Bede:—

Prædicabat autem *Paulinus* verbum etiam provinciæ *Lindissi*, quæ est prima ad meridianam *Humbre* fluminis ripam, pertingens usque ad mare, præfectumque *Lindocolinæ* civitatis, cui nomen erat *Blæcca*, primum cum domo sua convertit ad Dominum. (ii. 16.)

[Moreover *Paulinus* preached the Word to the province of *Lindissi* also, which is the first province on the south side of the *Humber*, stretching as far as the sea, and he first converted to the Lord the Prefect of the city of *Lincoln*, whose name was *Blæcca*, and all his household with him. (Bede, ii. 16.)]

The descent of the "prosapia *Lindisfarorum* from *Eanferth*," seventh in succession from *Woden*'s sixth son, is stated by Florence in his *Genealogies*.

^b Ingulphus—but his testimony on this, and all other occasions, is doubtful.

^c Ingulphus and Chron. Petroburgh.—the two *Algars* are apparently the Mercian Princes.

^d Writ of Edward the Confessor. (Mon. I. 299.)

Part II.

MERCIA.

DANISH
BURGHS.

DANISH BURGHS.

- 942 The Danish Cities or Burghs, *Lincoln, Nottingham, Derby, Leicester and Stamford*, are reduced by *Edmund*. (See above, p. 503.)
- 1013 The "*Fifburgenses*," "that fole on fif Burghum," submit to SWEYNE.
- 1015 *SIGFERTH* and *MORCAR*, the sons of *EARN-GRIM*, the chief Thanes of the Danish Burghs, slain whilst attending the Witenagemot of Danes and English, at Oxford^a. *Edmund Ironside* compels the Burghs to submit to him^b.

^a 1015 Magnum apud *Oxoniam* colloquium *Anglorum* pariter et *Danorum* congregatum est. Ubi Rex *Anglorum*, consilio iniqui Ducis *Eadrici*, multos *Danorum* nobiles interfici mandavit, quasi de regia proditione notatos, quorum clientes, dum necem dominorum suorum vindicare conarentur, armatorum præsidio repulsi, et graviter insecuti, turrem Ecclesiæ Sanctæ Virginis *Frideswithæ* compulsi sunt introire. Unde dum ejici nequirent, incendio sunt combusti. Sed mox, rege jubente, ecclesiæ reconciliata, et reædificata est. Inter alios interfecti fuerunt *Sigeferthus*, et *Morcharus* Comites *Northanhumbroorum*, filii *Earngrim*, quos iniquus Dux *Eadricus* ad convivium invitatos et in triclinium suum dolo susceptos necari fecit. Deinde Rex *Aldgitham*, *Sigeferthi* Comitis uxorem, apud *Malmesberiam* adduci, et ibi custodiri præcepit, sicut foeminam spectabilis nobilitatis. Quæ cum ibidem custodiretur, venit illuc filius Regis *Eadmundus*, quem gens *Anglorum* propter magni roboris mentis simul et corporis strenuitatem, *Irenside*, id est, Latus ferreum, nuncupabant, et contra patris conscientiam, illam in uxorem accepit, et inter Assumptionem, et Nativitatem beatæ *Marix*, in *Northanhumbriam* cum uxore sua proficiscens, terram totam, quæ fuit *Sigeferthi*, et *Morcheri* Comitum invasit, atque illorum sibi populum subjugavit. (Flores Hist.)

[1015 A great assembly of *English* and *Danes* alike was held at *Oxford*. Here the King of the *English*, acting on the counsel of the wicked Duke *Eadric*, ordered that many *Danish* nobles should be put to death as if convicted of treachery against the King. Their followers, attempting to avenge the death of their

^b For note see p. 535.

lords, were driven back by a guard of armed men and being **Part II.** hotly pursued, were forced to enter the tower of the Church of **MERCIA.** the Holy Virgin *St. Frideswide*. And when they could not be dislodged from this place, they were burnt with fire. But soon afterward at the King's orders the Church was reconciled and rebuilt. Amongst others were slain *Sigeferth* and *Morcar*, Earls of the *Northumbrians*, sons of *Earngrim*, whom the wicked Duke *Eadric* invited to a banquet and, by treachery entrapping them in his banquet-hall, caused to be put to death. Then the King ordered *Aldgitha*, the wife of Earl *Sigeferth*, to be brought to *Malmesbury* and there to be kept in custody as a woman of notable rank. And while she was being kept in custody there came to that place *Eadmund*, the King's son, whom the *English* people, on account of the vigour of his powerful intellect and of his body, used to call *Ironsides*, that is, in Latin '*Latus ferreum*,' and without his father's knowledge, took her to wife, and between the festivals of the Assumption and the Nativity of the Blessed *Mary*, he set out with his wife for *Northumbria*, and invaded the whole land which belonged to Earls *Sigeferth* and *Morcar* and subjected the people to himself. (Flowers of the Histories.)]

Apud *Oxenford* magnum concilium est congregatum, *Danorum* et *Anglorum*, ubi Rex nobilissimos *Danorum Sigeferdum* et *Morcardum* interfeci jussit, delatione proditoris *Edrici* perfidiæ apud se insimulatos. Is, illos, favorabilibus assentationibus deceptos, in triclinium pellexit, largiterque potatos, satellitibus ad hoc preparatis anima exuit. Causa cædis ferebatur, quod in bona eorum inhiaverat; clientuli eorum, necem dominorum suorum vindicare conantes, armis repulsi et in turrin Ecclesiæ Sanctæ *Frideswidæ Oxoniæ* coacti: unde dum ejici nequirent, incendio conflagrati sunt. Sed mox Regis pœnitentia eliminata spurcitia sacrarium reparatum est. Legi ego scriptum, quod in archivo ejusdem ecclesiæ continetur index facti. Uxor *Sigferdi, Malmesburiam* in captionem est abducta, spectabilis nobilitatis et formæ fœmina, quapropter *Edmundus* Regis filius, dissimulata intentione in partes illas iter arripiens visam concupivit, concupitæ communionem habuit. Sanè patris eludens conscientiam, qui domesticis et alienis esset ridiculo. Erat iste *Edmundus* non ex *Emma* natus, sed ex quadam alia, quam fama obscura recondit. Præter istud, integer in cæteris predicandæ indolis juvenis, magni roboris et animo et corpore, et propter hoc ab *Anglis, Ironside*, id est, *Ferreum latus*, nuncupatus, qui patris ignaviam, matrisque ignobilitatem virtute sua probe premeret,

Part II.
MERCIA.

si Parcæ parcere nossent. Nec mora, nuptæ consilio, comitatum *Sigeferthi*, qui apud *Northanimbros* amplissimus erat, a patre petatum, nec impetratum suapte industria vendicavit: hominibus ejus provinciæ in obsequium ejus facillè cedentibus. (Will. Malm. de Gestis Regum.)

[At *Oxford* a grand council was assembled, of *Danes* and of *English*, where the King ordered the most noble of the *Danes*, *Sigeferth* and *Morcar*, to be slain, because they had been accused of treachery towards him on the information of the traitor *Edric*. He, deceiving them with his favours and flattery, enticed them to his banquet-hall, and after they had drunk deeply, they were robbed of life by attendants prepared for the purpose. It was said that the motive for the crime was that he coveted their possessions. Their dependants, in an attempt to avenge the death of their lords, were driven back with arms and forced into the tower of the Church of *St. Frideswide* of *Oxford*; and when they could not be forced out of it, were burnt by fire. But soon through the penitence of the King, the defilement was cast out and the sanctuary was repaired. I have seen it stated that a record of this deed is contained in the archives of this church. The wife of *Sigeferth*, a woman of notable rank and beauty, was brought captive to *Malmesbury*; wherefore *Edmund*, the King's son, dissembling his intention took a journey into those parts, saw her and desired her, and was joined in wedlock with the object of his desires; keeping it of course from the knowledge of his father, who was an object of ridicule to his own household as to strangers. This *Eadmund* was not the son of *Emma*, but of some other woman, whom fame has hidden in obscurity. Apart from this, he was in other respects unexceptionable, a youth of commendable disposition, of great strength both of mind and body, and for this reason was called by the *English*, *Ironsides*, that is, "*Ferreum Latus*"; and he would very successfully have stamped out the stigma of his father's indolence and the humble origin of his mother, by the display of his own virtues, if the Fates had but known how to spare. Without delay and acting on the advice of his bride, he demanded from his father the earldom of *Sigeferth*, who had been a man of great substance amongst the *Northumbrians*, and when his request was refused, he claimed it by his own exertions, for the men of that province submitted to his allegiance with little difficulty. (William of Malmesbury, Acts of the Kings.)]

Hoc anno, cum apud *Oxenfordam* magnum haberetur placitum,

perfidus Dux *Edricus Streona*, digniores et potentiores ministros **Part II.**
 ex *Seouenburgensibus*, *Sigeferthum* et *Morcarum* filios *Earngrimi*, **MERCIA.**
 in cameram suam dolose suscepit, et occulte eos ibi necari iussit:
 quorum facultates Rex *Æthelredus* accepit, et derelictam *Sigeferthi*,
Aldgitham, ad *Maidulfi* urbem deduci præcepit. Quæ cum ibi
 custodiretur, venit illuc *Eadmundus* Clito et contra voluntatem
 sui patris, illam sibi uxorem accepit, et inter Assumptionem et
 Nativitatem Sanctæ Mariæ profectus ad *Fisburgingos*, terram
Sigeferthi et *Morcar* invasit, ac populum illarum sibi subjugavit.
 (Flor. Wigorn.)

[In this year when a great council was being held at *Oxford*,
 the treacherous Duke *Edric Streona*, by guile enticed the two
 honourable and powerful Thanes of the *Seven Burghs*, *Sigeferth*
 and *Morcar*, sons of *Earngrim*, into his private chamber, and
 there ordered them to be secretly put to death. And King
Ethelred took their properties and ordered *Aldgitha*, the widow
 of *Sigeferth*, to be brought to the town of *Malmesbury*. And
 when she was being kept in custody there, *Eadmund* the Clito
 came to that place and took her to wife against his father's
 will, and, between the feasts of the Assumption and the
 Nativity of St. Mary, set out for the *Five Burghs*, and invaded
 the territory of *Sigeferth* and *Morcar* and subjugated to himself
 their peoples. (Florence of Worcester.)]

^b The account of the reduction of the Five Burghs is the first
 notice which we possess of their history. It is evident that
 Edmund did not displace the Danish Thanes, who continued as
 the principal, though not the sole inhabitants of the Burghs, till
 the era of the Conquest. There is some uncertainty about the
 appellations of the Five and Seven Burghs, which, as appears
 from the above quotation, were applied indifferently to denote
 them. *York* and *Chester* made up the number. It is most
 probable that this Federation originally consisted of five, and that
 when two others were added, they continued to be generally called
 by their nominal number, and sometimes by their real one. The
 Cinque Ports afford a familiar example of the retention of an
 appellation derived from number, after it has ceased to be strictly
 appropriate.

There was a Court or "Thing" held for the Five Burghs, and
 Peace given in the same by the Ealdorman and the King's Gerefa
 was compensated by the heaviest penalty.—*þæt griþ þæt se*
Ealdormann and *Cynges Gerefa* on *Fif Burgha* *geþincþa sylle*,
bete man þæt mid xii hund'. (*Ethelred*, apud *Wilkins*, p. 117.)¹
 [For the peace which the alderman and the king's reeve in the

Part II.

MERCIA.

LINCOLN.

(CITY.)

Edward
the Confessor.

LINCOLN. (CITY.)

*The Twelve Law-men of the City in the reign of the
Confessor.**Hardecnute.**Swartinc, the son of Grimbald.**Ulf, the son of Swertebrand.**Walraven.**Alwold.**Brictric.**Guert.**Ulbert.**Godric, the son of Eddeva.**Siward, Presbyter.**Lewine, Presbyter.**Aldene, Presbyter.*William
the Conqueror.*The Twelve Law-men at the time of the Domesday Survey.**Swardinc, in the place of his father, Hardecnute.**Swartinc, son of Grimbald, as before.**Sortebrand, in the place of his father, Ulf.**Agemund, in the place of his father, Walraven.**Alwold, as before.**Godwin, the son of Brictric, in the place of his father.**Normannus Crassus, in the place of Guert.**Ulbert, as before.**Petrus de Valoignes, in the place of Godric, the son
of Eddeva.**Ulfnod (Presbyter), in the place of Siward.**Burwold, in the place of his father, Lewine, who had
become a monk.**Ledwine, the son of Rawene, in the place of Aldene,
Presbyter.*

assembly of the Five Burghs may give, let amends be made with
twelve hundred. (Ethelred's Dooms at Wantage.)]

In the reign of the Confessor an individual appears **Part II.** designated as *Wigodus de Lincolne*, perhaps as Prefect **MERCIA.** or Gerefa of the City^a.

^a The individual described as *Wigodus* of *Lincolne* in the following charter, may have been a Thane from that town, attending in the same manner as Sigferth and Morcar had done.

In onomate summi Kyrios omnia jura regnorum gubernantis, et ab alto coeli fastigio cuncta cernentis, ego EDOWARDUS, totius *Albionis*, Dei moderamine et gubernatione, *Basileus*.....

Scripta est namque hæc scheda, me jubente, et sigillata, his testibus quorum onomata infra habentur consentientibus, secundo Kalend. Decemb. Ego *Edwardus* Rex, Deo largiente, *Anglorum*, signum venerandæ crucis impressi. Ego *Stigandus*, Archiepiscopus, concessi, et confirmando signo sanctæ crucis consignavi. Ego *Æthelredus*, Archiepiscopus, gratanter corroboravi. Ego *Wlfstanus*, Episcopus, vexillo sanctæ crucis prænotavi. Ego *Gyso*, Episcopus, consentaneus fui. Ego *Walterus*, Episcopus, consensum præbui. Ego *Reinbaldus*, Cancellarius, consigillando commodum duxi. Ego *Switgarius*, Notarius, scripsi. Ego *Ælsius*, Abbas. Ego *Eadwinus*, Abbas. Ego *Ægelwinus*, Abbas. Ego *Baldewinna*, Abbas. Ego *Alwinus*, Abbas, hoc meum desiderium ad perfectum adduxi, et a rege hilariter suscepi. Ego *Leofricus*, Dux. Ego *Haroldus*, Dux. Ego *Leofwinus*, Dux. Ego *Eadwinus*, Dux. Ego *Hugelinus*, Cubicularius. Ego *Eadgarus*, Stallere. Ego *Robertus*, fil. Wittman. Ego *Wigodus* de *Lincolne*. (Mon. II. 559, 560.)¹

[In the name of the Lord most High, Disposer of all authority among the nations, who seeth all things from his high throne in heaven, I, EDWARD, King of the whole of *Albion*, under the guidance and rule of God.....

For this schedule has been written by my orders and sealed, with the consent of those witnesses whose names are appended below, on the 30th November. I, *Edward*, King of the *English*, by the bounty of God, have impressed the sign of the adorable Cross. I, *Stigand*, Archbishop, have granted it, and in confirmation thereof have signed with the sign of the holy cross. I, *Æthelred*, Archbishop, have joyfully corroborated. I, *Wulfstan*, Bishop, have marked it with the seal of the holy cross. I, *Gyso*, Bishop, have consented thereto. I, *Walter*, Bishop, have given my consent. I, *Reinbald*, Chancellor, have thought it fitting and have given my seal thereto. I, *Swithgar*, Notary,

Part II.

MERCIA.

HUNTING-
DON.

TOSTIG.

HUNTINGDON.

1055. TOSTIG, of Danish race, killed by SIWARD, Earl of Northumbria, to whom his Earldom is granted by the Confessor^a.

SIWARD.

— SIWARD.

[WALTHEOF?]

— WALTHEOF, said to be Earl of *Huntingdon*^b.EAST
ANGLIA.

EAST ANGLES.

[497?] Pagans said to have landed in the country afterwards called East Anglia about this time^c. (Flor. Wigorn.)

UFFA.

- 571 UFFA, or WUFFA, first King of the East Angles, and from whom the dynasty acquired the name of *Uffingas*. (Hen. Hunt. Flores Hist.)

TYTILA.

- 578 TYTILA the son of UFFA. (Flores Hist.)

have written. I, *Ælsi*, Abbot. I, *Edwin*, Abbot. I, *Ægelwin*, Abbot. I, *Baldwin*, Abbot. I, *Ælfwine*, Abbot, have brought to completion this my desire and have received it with joy from the King. I, *Leofric*, Duke. I, *Harold*, Duke. I, *Leofwin*, Duke. I, *Edwin*, Duke. I, *Hugolin*, Chamberlain. I, *Edgar*, Staller. I, *Robert*, son of *Wittman*. I, *Wigod* of *Lincoln*. (Mon. II. 559, 560.)]

^a Brompton, p. 946. Siward is addressed as Earl by Edward. (Hist. Rams. 455.)

^b According to the very dubious authority of Snorro, III. 154.

^c An uncertain date. According to Malmesbury, the first occupation of *East Anglia* took place between the foundation of *Kent* and *Wessex*; it is also stated to have been contemporaneous with that of *Mercia* (see above, p. 477). It is possible that some of the Saxon tribes continued stationed on this part of the Saxon shore from the period of their invasions under the Romans (see Part I., p. 320).

- **Redwald**, the son of **TYTILA**^a, acquires great power **Part II.**
—becomes *Bretwalda* or Emperor of all Britain, **EAST**
south of the Humber^b. **ANGLIA.**

624 **EORPWALD**, son of **Redwald**, succeeds on the death **Redwald.**
of his father, but is probably subjected to the **EORPWALD.**
supremacy of *Northumbria*.

627} **EORPWALD** slain by *Ricbert*—an Interregnum of
628} about three years follows.

631 **SIGBERT**, son of **Redwald**, half-brother of **EORP-** **SIGBERT.**
WALD, returns from Gaul—succeeds to the
Kingdom, *Egrice*, brother of *Redwald*, ruling a
portion thereof.

633 **SIGBERT** resigns his crown, and becomes a monk,
upon which *EGRICE* succeeds to the whole of **EGRICE.**
East Anglia.

PENDA invades *East Anglia* with a large army, and
the *East Angles*, finding themselves much inferior
to their enemies, implore *Sigbert* to come forth
from his monastery and aid them. He refuses—
they drag him into the field by main force: but

^a erat autem Rex *Reduald* filius *Tytili* cujus pater fuit
Uffa, a quo Reges *Orientalium Anglorum* *Uffingas* appellant.
(Beda, ii. 15.) [...now King *Redwald* was the son of *Tytel*,
whose father was *Uffa*; after whom they call the Kings of
the *East Anglians* *Uffingas*. (Bede, ii. 15.)] In common
speech, the *Uffingas* were called “*Fikeys*,”—Incepit Regnum
Orientalium Anglorum sub *Uffa*, a quo omnes *Orientales Anglos*
Uffingas vocamus, quos nunc *Fikanos*, seu *Fikeys* appellamus.
(Higden, lib. v.) [The kingdom of the *East Anglians* began
under *Uffa*; after whom we call all the *East Anglians* *Uffingas*,
but now we call them *Ficans* or *Fikeys*. (Higden, lib. v.)]
This passage is very curious, because it shews that when the
Polychronicon was compiled, the memory of the ancient races
was still fresh amongst the common people. Higden gives a
common colloquial term. The principal facts relating to the
early history of *East Anglia* will be found in Bede, ii. 15; iii. 7,
18, 19, 24.

^b *Redwald* flourished during the reign of *Ethelbert*, and
appears to have obtained the dignity of *Bretwalda* upon the
death of the latter, in 616.

Part II.
EAST
ANGLIA.
EGRICE.

he will not act contrary to his calling, and remaining in the battle with a white wand in his hand, he and *EGRICE* are both slain.

- ANNA.* 633 *ANNA*¹, the son of *Eni*^a, the brother of *Redwald*, succeeds to the Kingdom.
- 654 *ANNA* slain by *PENDA*. He is succeeded by his brother, *ÆDILHERE*, or *ETHELHERE*^b, who submits to the conqueror, and joins his forces against the *Northumbrians*, and, until the reign of *Egbert*, the country appears to have been subjected to *Mercia*.
- ETHELHERE.* 655 *ETHELHERE* killed by *Oswio* in the battle of the *Winwid*.
- AEDILWALD.* 660 *AEDILUALD*, or *ETHELWALD*, brother of *ANNA*, King of *East Anglia* about this time.
- ALDUULF.* 680 *ALDUULF*^c, son of *ETHELHERE*, about this time. He is succeeded by
- ALFWOLD.* — *ALFWOLD*³, brother of *ALDUULF*. (Will. Malm. Flor. Wigorn.)
- [*SELRED* ?] 747 Death of *SELRED*, King of *East Anglia*^d.
- 749 Death of *ALFWOLD*. *East Anglia* is divided

^a Bede. Filius *Eni*, de regio genere. [Son of *Eni* of the royal line.] That *Eni* was the brother of *Redwald* is ascertained by the genealogies appended to Florence of Worcester (p. 690).

^b Flor. Wigorn. Flores Hist.

^c The coins of *Aldulf* are remarkable for their legend—"Victuria Adulfi" [the victory of Adulf]. (Camden, pl. i. no. 20.)

^d *Selred*, *Est-Anglorum* Rex, obiit. (Mailros. Hunt.) [*Selred*, King of the *East-Anglians*, died. (Chronicle of Melrose. Henry of Huntingdon.)] In the greater part of the authorities he is called King of the *East Saxons* (see below, p. 559). Mailros and Hunt. may be in error: but it is possible that *Selred* ruled in both kingdoms, and perhaps *Alfwold* was under his supremacy. In Flores Hist. we also find an *Ethelred* (A.D. 743) not noticed elsewhere. Is this a mistake for *Selred*?

between HUNBEANNA¹ and ALBERT^a or Part II.
ETHELBERT.

EAST
ANGLIA.

758 BEORN, about this period.

HUNBEANNA
and ETHELBERT.
BEORN,
EDELRED.

— EDELRED, or ETHELRED.

792 ETHELBERT, or AGELBRIHT, son of EDELRED, beheaded by command of OFFA^b; and, until the

^a *Elfwald, Rex Orientalium Anglorum, defunctus est, regnumque Hunbeanna et Alberht sibi diviserunt. (Sim. Dun. de Gestis. Mailros.) [Elfwald, King of the East Anglians, died, and Hunbeanna and Albert divided the kingdom between them. (Simeon of Durham, History of the Kings. Chronicle of Melrose.)] In Flores Hist. Alfwoold is called Ethelwold.*

758 His temporibus Orientalibus Saxonibus, Swithredus; Australibus Saxonibus, Osmundus; Orientalibus Anglis, Beornus Reges præfuerunt. (Flor. Wigorn.)

[758 In these times Swithred reigned over the East Saxons, Osmund over the South Saxons, Beorn over the East Anglians. (Florence of Worcester.)]

Regnante Offa, Beorn regnavit in East Anglia, post eum Edelred qui de Regina sua sancta Leofruna habuit Agilbrihtum. (Alur. Bever. p. 881.) [During the reign of Offa, Beorn reigned in East Anglia, and after him Edelred, who had Agilbriht by his saintly Queen Leofruna. (Alfred of Beverley, p. 881.)] In such disjointed fragments only has the early history of the minor states been preserved. Beorn and Hunbeanna have been supposed to be one individual. Brompton gives the name of Ethelbert to Albert, but I suspect that the latter is the real appellation according to the dialects of East Anglia.

^b The history of this event is told with many variations. From the expressions employed by Florence, Ethelbert seems to have been a monarch of great renown.

793 Gloriosissimus ac sanctissimus Rex Orientalium Anglorum Ægelbrihtus, vero regi Christo bonarum virtutum merito acceptabilis, omnibus blando alloquio affabilis, Offæ præpotentis regis Merciorum detestanda jussione, suæque conjugis Cynethrithe Reginae nefaria persuasione, regno vitæque privatus est capitis abscissione: sed injuste peremptus terrisque exemptus, magno tripudio angelorum rex et martyr intravit curiam spirituum beatorum. (Flor. Wigorn.)

[793 The most glorious and saintly King of the East Anglians, Ægelbriht, a man acceptable indeed to Christ the

Part II.
EAST
ANGLIA

accession of *Edmund*, the country continues in a state of great confusion, under various *Reguli* and *Tyrants*, sometimes also subject to *Kent*, and sometimes to *Mercia*. (Brompton, p. 754.)

- 823} The *East Angles* and their King, whose name is
836} unknown, seek the protection of *Egbert* against
the *Mercians*, and become his men or vassals.
BEORNWULF and LUDICA of *Mercia* defeated
by them (see above, pp. 345, 464).

EDMUND.

- 855 Dec. 25.—*EDMUND*^a, of the ancient race of the
“Old Saxons,” begins to reign^b.

King by the merit of his virtues, affable to all men by pleasing address, by the detestable command of *Offa*, the powerful King of the *Mercians*, and by the wicked persuasion of his wife, Queen *Cynethryth*, was deprived of his throne and of his life by beheading: but though unjustly put to death and cut off from the earth, the King and Martyr entered the court of the blessed spirits amidst great rejoicing of the angels. (Florence of Worcester.)]

^a Sanctissimus Deoque acceptus *Eadmundus* ex antiquorum *Saxonum* prosapia oriundus, fidei Christianæ cultor veracissimus ... *East Angliæ* provinciæ nactus est culmen regiminis. (Flor. Wigorn.)

[*Edmund*, a man of great saintliness and acceptable to God, descended from the race of the ancient *Saxons*, a true adherent of the Christian faith...obtained the high seat of rule of the province of *East Anglia*. (Florence of Worcester.)]

Anno Dominicæ Incarnationis 855, *Eadmundus Orientalium Anglorum* gloriosissimus cœpit regnare, viii Kalend. Januarii, id est, die natalis Domini, anno ætatis suæ decimo quarto. (Asser.)

[In the year of Our Lord's Incarnation 855, the most glorious *Eadmund* of the *East Anglians* began to reign on the 25th of December, that is on Our Lord's birthday, in the fourteenth year of his age. (Asser, Life of Alfred.)]

^b These dates are given with so much precision by the Chroniclers, that we cannot refuse to admit but that they were in possession of authentic materials. According to the legendary life of *St. Edmund* (Capgrave) he was the son of *Alkmund*, King of Saxony, and *Siwara*; and Nuremberg is assigned as his birth-place. *Offa*, after the death of *Ecgfirth*, apprehending that his line would fail, appointed this prince, of the old line, as his

- 856 Dec. 25.—*EDMUND* crowned and consecrated at *Part II.*
Burva^a. **EAST**
ANGLIA.
EDMUND.
- 857 *ETHELBERT* said to have succeeded to the dominion
of the "*Orientales Angli*" (see above, Kent, p. 466),
probably to the supremacy of the country.
- 866 The Danes under *Hingwar* and *Hubba* land in *East*
Anglia, where the inhabitants make peace with
them.

successor. The outline of the history is not incredible; and as the events of the life of St. Edmund are detailed in connexion with places of little general note,—for example, that he landed at *Hunstanton*, or *Hunston*,—the legend seems to be founded upon the traditions of the country. But at the same time they are not preserved in the life of St. Edmund, composed by Abbo Floriacensis (Bib. Cott. Titus B iv). In this work he is described as "*ex antiquorum Saxonum nobili prosapia oriundus*" [descended from the noble race of the ancient *Saxons*]; and all the events of his youth are passed over in silence. The origin of this biography is singular. When Dunstan was a young man at the court of *Athelstane*, the story was related to him by the sword-bearer of *Edmund*, and Abbo wrote it down from the relation of Dunstan. A very curious abridgment of this life in "*Englise*," is extant (Bib. Cott. Julius E vii), made probably within a short period after the composition of the original. This work is so remarkable for the idiomatic strength of the language, that it would be very desirable to print it in addition to the Latin text¹.

^a Anno Dominicæ Incarnationis 856...anno vero regni *Æthelwulfi Occidentalium Saxonum* regis decimo octavo, *Humbertus, Orientalium Anglorum* antistes, unxit oleo, consecravitque in regem *Eadmundum* gloriosissimum, cum gaudio magno et honore maximo, in villa regia quæ dicitur *Burua*, in qua tunc temporis regalis sedes erat; anno ætatis suæ decimo quinto, sexta feria, luna vicesima quarta, die natalis Domini. (Asser, p. 13.)

[In the year of Our Lord's Incarnation 856, in the eighteenth year of the reign of *Æthelwulf*, King of the *West Saxons*, *Humbert*, the Bishop of the *East Anglians*, anointed with oil and consecrated as King the most glorious *Eadmund*, with great joy and very great honour, in the royal town which is called *Bures*, where at that time the royal seat was; in the fifteenth year of his age, on Friday, the 24th day of the moon, *on the day of Our Lord's birth. (Asser, Life of Alfred, p. 13.)]

Part II.
EAST
ANGLIA.

- 2870 Danes again invade *East Anglia*, and fix their winter-quarters at Thetford.—*EDMUND* attacks them, but is defeated and slain by *Hingwar* and *Hubba*.
- GUTHRUN I.* 2880) Danes under *GUTHRUN*^a (afterwards called *ATHEL-STANE*) effect a complete conquest of *East Anglia*; 2883) they divide the land, and settle in the country. About this time the treaty with Alfred was concluded, and *GUTHRUN* was confirmed in the possession of *East Anglia*, to be held as a "Læn" of the Crown of Wessex^b.

^a According to the Danish historians (Suhm. II. *passim*), whom I have followed, there were two of the name of *Godrun* or *Guthrun* in *East Anglia*.

The first, was "*Gorm hin rige*," *Gorm*, or *Guthrun*, the Powerful, also called "*Engelandisc*," or the Englishman, "*Under king*" of *Omungar Syssel*, a small district in *Jutland*, and who afterwards acquired the more extensive dominion of *Lethra*. From this kingdom he was expelled by *Olave the 41st*, and the Danish invasion of *Northumbria* in 866, took place under his command, when his rule extended only over his scanty domains in *Jutland*. After he had obtained *East Anglia*, he surrendered his Danish dominions to his son "*Harold Klak*."

Guthrun II. son of the King of "*Mære*" in *Norway*, married to the widow of "*Harold Klak*." He appears to have lived more on the sea than on the land. He abandoned *East Anglia* soon after his treaty with *Edward*, and was slain in the battle of *Ponthieu*, A.D. 939.

^b *Dataeque sunt ei provinciæ Orientalium Anglorum et Northan humbrorum, ut eas sub fidelitate Regis jure foveret hæreditario, quas pervaserat latrocinio.* (Will. Malm. de Gestis Regum, ii. 4.)

[The provinces of the *East Anglians* and the *Northumbrians* were given to him, to cherish by hereditary right under fidelity to the King, what he had overrun with robbery. (William of Malmesbury, Acts of the Kings, ii. 4.)]

"This is the peace declared by King *Alfred* and King *Guthrun*,
"and all the Witan of 'Angelcyn,' and all the people which are
"in *East Anglia*, and confirmed by oaths, for themselves and for
"their progeny, born and unborn. . . . First concerning our
"frontiers upon the *Thames*, and then on the *Lea*, and along the
"Lea to the river head. Then straight to *Bedford*, then along
"the *Ouse* unto *Watling Street*."¹

- 890 Death of *GUTHRUM-ATHELSTANE*—he is suc-
ceeded by *GUTHRUM II.*¹ Part II.
EAST
ANGLIA.
- 894 East Anglians^a submit to *ALFRED*, but do not keep
their engagements. GUTHRUM II.
- 905 The East Anglians submit to *Ethelwald*.—Death of
Eohric or *Eric*, said to be King of *East Anglia*, and
to have reigned fourteen years. (Malmes.) [ERIC?]
[ETHELWALD?]
- 906} Treaty or compact concluded between *Edward* and
907} the “East Angles” (p. 358), being probably the
treaty now extant^b.
- 918 The native East Anglians submit to *Edward*. The
Danes of East Anglia join in such submission and
fealty^c.

^a The expressions “*East Engle*,” *Orientalis Angli*, seem to be often applied, as well to the Danish settlers as to the natives. (See above, p. 358.)

^b “These are the laws agreed upon by King Alfred and King Guthrum. And this is the treaty which King Alfred and King Guthrum, and afterwards King Edward and King Guthrum (i.e. Guthrum II.), declared and agreed upon when the Danes and the English completely united in peace and friendship. And the Witan of succeeding times often and frequently renewed the same.”²

^c 918 Interim de *East Anglia* et *Eastsexonia* multi *Anglorum* (qui ferme triginta annos feritati paganorum subiacebant) læto animo se regi subiciebant. Ad quem etiam *Dani East Angliam* incolentes venerunt, et se mari terraque nil quod regem offenderet penitus acturos, sacramento firmaverunt. Venit et *Danorum* exercitus de *Grantebricgeie*, et illum in dominum et patronum delegit, et hoc juramentis ut ipse voluit, roboravit. (Flor. Wigorn.) [918 In the meanwhile many of the *English* from *East Anglia* and *Essex* (who for nearly thirty years had been subject to the ferocity of the pagans) joyfully submitted to the King. And to him also came the *Danes* who dwelt in *East Anglia* and affirmed on oath that they would do absolutely nothing on land or sea to displease the King. And the army of the *Danes* also came from *Cambridge*, and chose him as their lord and patron, and corroborated this decision with oaths, as he wished. (Florence of Worcester.)] *Eric*, or *Eohric*, seems to have been a petty chieftain, perhaps holding

Part II.
EAST
ANGLIA.

- 921 Submission of the "Here," or Host of East Anglia, to Ædward. They become his men or vassals (see above, p. 361).
- [GYTRO ?] — A King *Gytro*, said to have reigned in *East Anglia* under *Athelstane*. (Wallingford.)

The succession of Danish Kings of *East Anglia* having ceased, the country was subjected to Ealdormen—the supremacy continuing vested in the Crown of *Wessex*.

ATHELSTANE.

- 926 *ATHELSTANE*, descended from some one of the royal families, and who probably obtained *East Anglia* as an appanage—he was considered as associated in the royal dignity and name, and was therefore commonly called "*Semi Rex*," or "*Half King*"—Ealdorman of East Anglia about this time. Becomes a monk in Glastonbury, leaving four sons—viz. *Ethelwold*, or *Ethelwulf*—*Alfwold*—*Athelsine*—and *Ethelwine*, or *Ailwin*^a.

a part of the country. Another East Anglian King was slain at Tempsford, A.D. 921. (Sax. Chron.)

^a The exact dates, either of the accession or of the death of *Athelstane*, do not appear; but his resignation probably took place towards the close of the reign of *Edwy*, or early in the reign of King *Edgar*. It is to be regretted that the monk of Ramsey, in compiling the sketch of *Athelstane*'s biography from which the following passages are extracted, did not speak with more precision. The sons of *Athelstane* seem to have been invested with appanages in the lifetime of their father.

Jam vero quia propositæ narrationis id deprecatur utilitas, ad inclyti quondam ducis *Æthelwini* advocati nostri genus declarandum articulos cum calamo convertamus. Breve siquidem et studii ipsius nobis adauget materiam, et inchoati operis provectum præparat et proventum. Fuit in diebus *Æthelstani* totius olim *Angliæ* Basilei, quidam *Orientalium Anglorum* Dux, regiæ dignitatis consors et nominis, ab atavis regibus præclara ingenuæ successionis linea transfusus, cui innatæ devotio liberalitatis apud conterminales multam gratiam comparavit, apud hostes patriæ nonnullam virtus bellica invidiam generavit. Qui, quia et nobilitate naturæ, et opum affluentia terrenarum et prudentia

seculari, celebri æstimatione reddebatur insignis, præcipue vero Part II.
quia ipsi Regi adeo officiosa erat ejus impensa sedulitas, ut ad EAST
arbitrium ipsius cuncta regni negotia tractarentur, ideo ab ANGLIA.
universis *Æthelstan Half-kyng*, quod est "Semirex," dicebatur. ÆTHELSTANE.
Is, cum in fortioris adolescentiæ robur devenisset, ob amorem
sobilis procreandæ, uxorem sibi quandam *Alfwen* nomine, tam
generositate natalium quam non illepidæ spei gratia thoro suo
congruentem, maritali dotavit connubio. Hæc postea inclytum
regem *Edgarum*, tenerum adhuc in cunis puerum, sedulitate
materna nutritivit et educavit. Qui postmodum debito sibi
hæreditaria sorte totius *Angliæ* regimine suscepto, nutricis suæ
acceptis beneficiis non ingratus, villam de *Weston* eidem regali
munificentia largitus est, quam filius ejus *Aldermannus* postea,
matre necessitudine naturæ è medio sublata, *Ramesiensi* Ecclesiæ
in perpetuam elemosynam pro ejus anima condonavit. Hac
igitur præfato viro nupta et fecundata quatuor filiorum distincto
nascendi ordine, ad flumen usque ad mare se extendens pulcra
germinavit propago. Nam cum in gratiam omnium adolescerent
et favorem, usque ad remotiores patriæ fines multæ causæ
celebrem juvenibus notitiam contulere, eorumque mores ingenuos
ultro tam prudentiæ quam benignitatis nobilitavit accessus. Qui
naturæ fœdere copulati solo sectandæ justitiæ zelo pulcre sibi
sine invidia contendebant. Primus *Æthelwoldus*, secundus *Alf-*
woldus, tertius *Athelsinus*, quartus *Æthelwynus* dicebatur.
Quorum ultimus, etsi eum natura statuisset novissimum, dis-
ciplinatæ tamen moralitatis pretio supra cæteros virtutis multi-
modum mercabatur prioratum. Horum pater, prænominatus
dux *Æthelstanus*, cum jam multum sui temporis in operibus piis
et virtutum exercitiis consummasset, sagaci providentia mundum
ante deludens quam deluderetur à mundo, monachus factus
Glastoniæ prioris nævos ætatis maturiori expiavit conversatione.
Tandemque prædictos novos fœcundæ vitis quatuor palmites,
in sortis suæ hæreditariæ et morum successione relinquens,
ibidem vitæ et finem sortitus est et sepulchrum: perseveravit
autem vir iste Christianissimus ab *Æthelstano* rege piissimo
usque ad nepotem ipsius ex fratre *Edmundo* illustrem regem
Edgarum, quatuor scilicet regûm tempora complens. (Hist.
Rams. p. 387.)

[And now indeed, since the exigencies of the narrative we
propose demand it, let us turn our fingers and pen to the
declaration of the descent of the once famous duke, *Æthelwine*,
our advocate. And indeed a brief account of his zeal increases
our material and prepares beforehand the progress and success

Part II.
EAST
ANGLIA.
 ATHELSTANE.

of the work we have begun. There was in the days of *Æthelstan*, formerly Basileus of the whole of *England*, a certain Duke of the *East Anglians*, who shared in the royal dignity and title, whose veins contained the blood of an illustrious line of a noble succession from Kings of old; for whom addiction to an innate liberality gained great favour amongst his neighbours, and whose valour in war gave rise to keen hostility amongst the enemies of his country. And, because he both from the nobility of his nature and the affluence of his earthly wealth and his worldly wisdom was acclaimed illustrious in the popular estimation, and particularly also because the zeal which he evinced for the King himself was so full of a sense of duty, that all the business of the Kingdom was handled after his judgment, he was therefore called by all men *Æthelstan Half-Kyng* which is equivalent to "Semi-*rex*." He, when he came to the strength of a more vigorous adolescence, on account of his desire to procreate offspring, took a wife by name *Ælfwen*, a suitable alliance both because of the highness of her lineage as well as for the sake of an expectation full of charm, and endowed her with wedlock. Afterwards she nursed and brought up with a mother's care the famous King *Edgar*, still a tender boy in his cradle. And he at a later date having undertaken the rule of the whole of *England* that was due to him by heredity, was not ungrateful for the kindnesses he had received at the hands of his nurse, and with royal munificence bestowed on her the town of *Weston*, which his son, the Alderman, after him, when his mother had been taken from their midst by nature's decree, bestowed on the Church of *Ramsey* as a perpetual alms for her soul. When therefore she had been married to the man mentioned above and had produced four sons in distinct order of birth, the fair offspring budded forth and extended itself as far as the river even unto the sea. For when they were growing up into the grace and favour of all men, many causes contributed to make the youths widely known, even to the furthest boundaries of their land, and their growth made widely known their innate characteristics as well of foresight as of kindness. And they, though closely joined by nature's law, in their zeal for the pursuit of justice alone did shew a pretty emulation freed from all thoughts of envy. The first was called *Æthelweald*, the second *Ælfweald*, the third *Æthelsige* and the fourth *Æthelwine*. And the last of these, although nature had made him the latest-born, nevertheless purchased an outstanding priority in virtue over the

- *ÆTHELWOLD*, Duke of the East Angles, killed by **Part II.**
direction of *Edgar*^a. **EAST**
ANGLIA.
- *AILWIN*, or *ÆTHELWIN*, Ealdorman or Duke of **ÆTHELWOLD.**
East Anglia, and also Ealdorman of all England^b. **AILWIN.**

others as the reward of a disciplined morality. Their father, the above-named Duke *Æthelstan*, when he had spent a great part of his time in pious works and in the exercise of virtues, with his wise foresight deluding the world before the world deluded him, became a monk in *Glastonbury* and expiated the blemishes of his earlier life by his later behaviour. And at length leaving behind him the above-mentioned four young shoots of the fruitful vine to succeed to their hereditary lot and characteristics, in that place he came to the end of his life and to his tomb; this most Christian man however continued steadfastly from the time of the most pious King *Æthelstan* until the reign of his nephew the illustrious King *Edgar*, the son of his brother *Edmund*, in fact completing the reigns of four Kings. (Chronicle of Ramsey, p. 387.)]

^a This unlucky prince is described by Malmesbury as one of *Edgar*'s privy counsellors. *Athelwoldus* quondam erat Comes egregius et a secretis. [*Athelwold* was once an illustrious Earl and in the King's confidence.]—*Edgar* caused him to be assassinated, in order that he might obtain his wife, the fair *Elfrida*, the daughter of *Ordgar*, Ealdorman of Devonshire. Malmesbury notices that he left an illegitimate son, who was received with great favour by *Edgar*.

^b The principal materials for the life of *Ailwine* and his family are found in the Book of Ramsey—(as above and in chapters iii. xvii. xviii. &c.). The inscription upon his tomb:—*Hic requiescit Ailwinus incliti regis Edgari cognatus, totius Angliæ Aldermannus, et hujus sacri cœnobii miraculosus fundator* [Here rests *Ailwine*, the relative of the renowned King *Edgar*, Ealdorman of the whole of *England*, and the miraculous founder of this holy convent]—was preserved by Leland. (Gale, p. 462.) After the dissolution, the church was demolished, the tomb of *Ailwine* destroyed, and his statue cast into a pond, in which it was discovered during the reign of Charles II. When Gough wrote, this very singular relic was lying neglected in a yard. (Sepulc. Mon. Vol. I. p. xcii.) He supposed it to be "the oldest genuine monument in England." The canopy which surmounts the statue shews that it is not older than the reign of *Edw. I.* but, at the same time, the singularity of the costume, utterly

Part II.
EAST
ANGLIA.
AILWIN.

975 AILWIN, noticed as one of the Primates concerned in the important transactions arising upon the accession of Edward the Martyr—becomes the leader of the party opposed to ÆLFERE, Duke of Mercia—prevents the expulsion of the monks, and raises a great army for the purpose of defending the monasteries of *East Anglia*^a.

unlike any dress used in that age, affords strong reason for considering it as a genuine copy of a Saxon original, and, as such, deserving more attention than it now receives. Ailwin and his brothers are said, by the Monk of Ramsey, to have flourished under Edgar; and it is most probable that they all enjoyed some portions of their father's territory.

^a Nam princeps *Merciorum Alferus*, quampluresque regni primates, magnis obcæcati muneribus, abbates cum monachis de monasteriis, in quibus Rex pacificus *Eadgarus* eos locaverat, expulerunt, et clericos cum uxoribus suis introduxerunt. Sed huic vesaniæ viri timorati, Dux *Orientalium Anglorum Athelwinus*, Dei amicus, et suus germanus *Alfwoldus*, et *Brihtnothus* Comes, vir religiosus, restiterunt, et in synodo constituti se nequaquam ferre posse dixerunt, ut monachi ejicerentur de regno, qui omnem religionem tenuerunt in regno. Congregato dein exercitu, monasteria *Orientalium Anglorum* maxima strenuitate defendunt. (Flor. Wigorn.)

[For *Alfer*, Prince of the *Mercians*, and very many nobles of the realm, blinded by large bribes, expelled the abbots and the monks from those monasteries in which the peaceful King *Eadgar* had placed them and introduced clerks with their wives. But some conscientious men, *Ethelwine*, Duke of the *East Anglians*, a friend of God, and his brother *Ælfweald*, and Earl *Brihtnoth*, a religious man, resisted this madness, and having met together in synod, they declared that they could by no means tolerate the expulsion of monks from the Kingdom, seeing that they were the guardians of all the religion in the Kingdom. Then they collected an army and defended with the utmost vigour the monasteries of the *East Angles*. (Florence of Worcester.)]

992 Dux egregiæ memoriæ *Æthelwinus*, Dei amicus, defunctus est, qui fratribus suis *Æthelwoldo*, et *Alfwoldo* et *Agelsino* licet junior ætate, illos tamen mansuetudine, pietate, bonitate, et justitia excellebat, et ut vir maximæ honestatis et munditiæ paradisi civibus (uti credi libet) est allectus. Cujus corpus cum

992 Death of *ETHELWINE*, or *AILWIN*.

Part II.

1004 *ULFKYTTL*, "Dux East Anglorum" about this time. He and the Witan of East Anglia take counsel for treating and making peace with *Sweyne*. The Danes treacherously attack Thetford, and are defeated by *Ulfkyttle*^a.

**EAST
ANGLIA.**
AILWIN.
ULFKYTTL.

maximo honore *Ramesegiam* delatum, à sancto *Alfego Wintoniensi* Episcopo est tumulatum. (Flor. Wigorn.)

[992 *Æthelwin* the Duke of excellent memory, a friend of God, died. Although younger than his brothers *Æthelweald*, *Ælfweald* and *Æthelsige*, he excelled them in clemency, piety, goodness and justice, and, as a man of the highest virtue and cleanness of soul, was, we may believe, gathered to the citizens of paradise. His body was brought with the greatest honour to *Ramsey* and was buried by the holy Bishop *Alfeg*, of *Winchester*. (Florence of Worcester.)]

^a *Ulf Kettle Snilling*, for such was his Danish name, was a Dane by birth and blood: but he had married *Ulfhilda*, daughter of *Ethelred*. The period when he acquired the Earldom is not ascertained. (Suhm. III. 358, 431.)

Rex *Danorum Suanus* cum sua classe *Northwic* advectus, illam devastavit et incendit. Tunc magnæ strenuitatis Dux *Eastanglorum Ulfketellus*, quia ex improvise venit, nec contra eum spatium congregandi exercitum habuit, cum majoribus *Estangliæ* habito consilio, pacem cum eo pepigit. Verum ille, dirupto fœdere, tertia post hæc hebdomada, cum copiis suis latenter e navibus prosiliens, *Theotfordam* invasit, devastavit, nocte una in ea mansit, diluculo incendit. Quo cognito, Dux *Ulfketellus* quibusdam de provincialibus mandavit, ut hostium naves confringerent: at illi vel non audebant, vel jussa perficere negligebant. Ipse vero interim (quam citius potuit) clam suum congregans exercitum, adversus hostes audacter ascendit; quibus ad naves repedantibus, non æqua manu militum illis occurrit, durissimumque cum eis prælium commisit, multisque ex his et illis cæsis, nobiliores quique de *Eastanglia* corruerunt; *Dani* vero vix evaserunt. Sed si vires *Eastanglorum* jam adessent, nullo modo naves suas repeterent. Ut enim ipsi testati sunt, durius et asperius bellum in *Anglia* nunquam experti sunt, quam illis Dux *Ulfketellus* intulerat. (Flor. Wigorn.)

[*Sweyn*, King of the *Danes*, sailing with his fleet to *Norwich*, pillaged it and burnt it. Then *Ulfketell*, Duke of the *East Anglians*, a man of great vigour, because *Sweyn* came against

Part II.
EAST
ANGLIA.
ULFKYTTLÉ.

1010 Danes under the command of *THURKILL* "*hin have*," or "the tall," the brother of *Sigwald*, the pirate Jarl, of Jomsburgh, and son of *Harold*, King of Scania, invade *East Anglia*, and occupy the country.

1012} About this time *THURKILL* submits to *Æthelred*,
1013} and obtains a portion of *East Anglia*, probably *Suffolk*, as his Earldom.

1016 East Anglia allotted to *EDMUND Ironside* upon the division of the Empire (p. 415). EDMU
Ironside

1016 *ULFKYTTLÉ* killed in the great battle of Assingdon.

THURKILL.

1017 Canute, upon his accession to the Empire, appoints *THURKILL* to be Earl of East Anglia^a.

him unexpectedly and he had no time to assemble his army against him, took counsel with the magnates of *East Anglia* and made peace with him. But *Sweyn* broke the treaty, three weeks after this, and secretly issuing with his forces from the ships, attacked *Thetford*, pillaged it and, after staying in it for one night, set fire to it at dawn. And when he heard this, Duke *Ulfketell* ordered some of the men of the country to break up the enemies' ships; but they either had not the courage or neglected to carry out his orders. But in the meantime he himself as quickly as possible assembled his army in secret and boldly advanced against the enemy. As they were marching back to their ships, he met them with an inferior force, and fought a very stubborn fight with them; and after many on both sides had been killed, and the chief men of *East Anglia* had fallen, the *Danes* with great difficulty managed to escape. But if the *East Anglians* in full force had been present on that occasion, they would never have reached their ships. For as they themselves bore witness, they had never experienced a harder and keener fight in *England* than the one which Duke *Ulfketell* fought against them. (Florence of Worcester.)]

^a *Thurkill*, whose size was almost gigantic, appears as one of the most successful of the Danish chieftains—and, at first, one of the most ferocious of the Danish chieftains. The pirates of Jomsburgh were celebrated for their stern and ferocious valour, and *Thurkill* did not belie the reputation of his compeers. His first invasion, in 1009, was for the ostensible purpose of revenging the death of his brother, Earl *Sigwald*. *Sweyne* was incited by

- 1021 Earl *THURKILL*, and his wife *EGITHA*, expelled from England. Part II.
EAST
ANGLIA.
- 1051 About this time East Anglia was included in *HAROLD*'s Earldom (p. 437), of which he is deprived, and it is granted to *ÆLFGAR* or *ALGAR*, the son of *LEOFRIC*. THURKILL.
HAROLD.
- 1052} *HAROLD* is restored to his Earldom. Upon the
1053} death of Godwin, his father, he succeeds to the Earldom of *Wessex*; and the Earldom of *East Anglia* is granted again to *ALGAR*.—In 1055 *Algar* was outlawed by the Witenagemot, but the sentence was reversed in the course of the same year. ALGAR.
- 1057 *ALGAR* succeeds to the Earldom of *Chester* (see above, p. 526) and surrenders *East Anglia*^a.

GURTH, brother of *HAROLD*, becomes Earl of *GURTH* Suffolk^a.

Provincia illa ab Austro et ab Oriente cingitur oceano, ab aquilone paludum uligine et stagnorum rapaci voragine; quæ trium, vel duum milliariorum spatio latitudine, infinitaque longitudine protensa, incolarum usui piscosam præbent exuberantiam; ab Occidente reliquæ insulæ continua, sed defossa humo ad instar muri aggere permunita; pecorum pabulis, ferarum capturis humus egregia, cœnobiis

Thurkill to attack England; but, as appears above, he afterwards deserted the Danish party, and made terms with *Ethelred*. He was killed in Denmark by the peasantry, and his corpse allowed to lie unburied. (Sax. Chron. &c. ad ann. Enc. Emmæ, p. 167. Suhm. III. 248, 372, 380, 389, 541.)

^a The authorities do not state in express terms that *Algar* was divested of this Earldom, but the other transactions of this reign leave no doubt of the fact. In the narratives of the Battle of Hastings (Flor. Wigorn. &c.) *Gurth* is styled Comes: and we can collect from Domesday (II. 283, &c.) as well as from a writ of Edward the Confessor, that he was Earl of Suffolk, though probably not of the whole country, for in the instrument last quoted, he and Harold are addressed jointly as Earls. (Mon. I. 297.)

Part II.
EAST
ANGLIA.
GURTH.

referta, congregationibus monachorum numerosissimis, inter ipsas stagnorum insulas institutis, gens læta, et lepida facetaque festivitate jocorum ad petulantiam pronior.

(Abbo Floriacensis in Vita Sancti Edmundi.)

[That province is girt around on the south and east by the ocean, on the north by marshy morasses and by broads eating deeply into the land; being two or three miles wide and greatly extended in length, they afford for the use of the inhabitants a superabundance of fish. On the west of the rest of the island there is unbroken country, but it is strongly fortified by a mound of earth dug out of the ground like a wall; a soil excelling in pasture and its catch of game; replete with convents, occupied by very large congregations of monks, built among the islands formed by the lakes; a happy population, and rather inclined to forwardness, because of the neat and facetious gaiety of their jests. (Abbo of Fleury, Life of St. Edmund.)]

In the preceding passage the natural and artificial boundaries of East Anglia are described. The dyke was known by the name of the *Rech*-Dyke, i.e. the Warriors' or Heroes' Dyke, from *Rekke*, an ancient Gothic term, and expressive of strength, might and power^a. A name more emphatically appropriate to the vast rampart, upon whose summit were ranged the warriors of East Anglia, could not be devised. By the ordinary transition of popular speech and opinion, it is also familiarly known as the *Devil's Dyke*. In the middle ages it was more decorously called the *Dyke of St. Edmund*^b. The same name appears to have been also given to the *Fleam Dyke*, and to some other entrenchments of the same description, which appear to have been the out-works of the principal fortification. The present Bishopric of Norwich is so well marked out by natural boundaries, and by the Dyke, that we may

^a Camden supposes that the name of the Dyke is derived from the village of Rech, but the village evidently derived its name from the fortification. For the application of the term *Rekke* and *Recke*, see Wachter and Ihre.

^b Higden, Lib. I. c. 51. (Florilegus.)

consider it as distinctly indicating the ancient extent **Part II.**
of the kingdom of East Anglia, except in those parts **EAST**
where, in early periods, the frontier was left unde- **ANGLIA.**
termined in the fens and marshes. The country **GURTH.**
has, however, sustained many important changes by
the loss of land on the coast, where the process of
degradation has gone on with great rapidity; and
by the gain in the estuaries, which have been filled
up by the retrocession of the waters.

SOUTH GYRWA^a.

GYRWA

660 **TONDBRYHT**, Ealdorman or Princeps, married to **TONDBRYHT.**
Ædilthryda or *Etheldreda*, daughter of *Anna* of
East Anglia, about this time. (Bede, iv. 19.)

EAST SAXONS¹.

ESSEX.

[527?] Kingdom of the *East Saxons* supposed to begin^b under
ÆSCWIN, also called *ERCENWINE*, the son of

^a *North* and *South Gyrwa* respectively contained the same
number of 600 hides. They are supposed to have comprehended
the Fen Counties in the Shires of Cambridge, Huntingdon,
Northampton and Lincoln. (Gibson's *Camden*, 489.) The
name of the district appears to have continued current till a late
period, but no further mention of it, as a political division, occurs
after the age of Bede. Bentham supposes that "South Gyrwa"
is to be identified with the Isle of Ely. (Hist. Ely, p. 46.)

Ovin is noticed both by Bede and the Ancient History of Ely,
as the "Primus Ministrorum" [first of the Ealdormen] of
Etheldreda—and possibly may have had the administration of
the island. The monumental inscription upon his tomb—
"Lucem tuam *Ovino*, da, Deus, et requiem eternam" [Give,
O God, thy light to *Ovin* and eternal rest], is perhaps one of
the most venerable monuments of Saxon antiquity. After
serving for many years as a horseblock at Hadenham, in
Suffolk, it was removed, by the care of Mr. Bentham, into Ely
Cathedral.

^b *Regnum Estsexe, id est Orientalium Saxonum, incipit;*
quod primus, ut putatur, tenuit Erchenwin, secundum quod ex
veterum scriptis conijcere possumus, qui fuit filius Offæ, filii

Part II.
ESSEX.

OFFA or *UFFA*^a. It is doubtful whether this monarchy ever enjoyed independence.

SLEDA.

587 *SLEDA*, son of *ÆSCWIN* or *ERCENWINE*, married to *Ricola* or *Regula*, sister of *Æthelbert*, King of *Kent*.

SEBERT.

604 About this time *SEBERT*, *SABERT*, or *SABA*, under the supremacy of *Æthelbert*^b. Bishopric of London founded by their joint authority.

Biedcan, filii *Sigewulf*, filii *Spoewe*, filii *Gesac*, filii *Andesc*, filii *Saxnot*. Post *Erchenwin* vero regnavit *Slede* filius ejus. (Hunt.)

[The kingdom of *Essex* begins, that is of the *East Saxons*; and, as is thought, *Erchenwine* was the first to hold it, according to what we can conjecture from the writings of the ancients. And he was the son of *Offa*, the son of *Biedcan*, the son of *Sigewulf*, the son of *Spoewe*, the son of *Gesac*, the son of *Andesc*, the son of *Saxnot*. After *Erchenwine* his son *Slede* reigned. (Henry of Huntingdon.)]

^a In the genealogies appended to Florence—*Æscwin*. In Huntingdon (as above) and the other authorities—*Ercenwine*. It is not very probable that *Ercenwine* reigned sixty years, and, according to *Malmesbury*, *Sleda* was their first King. I notice these difficulties and contradictions, without attempting to remove them. Et habuere quidem *Orientalis Saxones* per successionem Reges multos, sed aliis Regibus et maxime *Merciis* subjectos. [And indeed the *East Saxons* had many Kings in succession, but they were subject to other Kings and to the *Mercians* in particular.] The settlement of *Essex* is also said to have taken place about the same time with that of *Mercia* and of *East Anglia*. (See above, p. 477.)

^b *Provincia Orientalium Saxonum*, qui *Tamense* fluvio dirimuntur a *Cantia*, et ipsi orientali mari contigui, quorum metropolis *Lundonia* civitas est, super ripam præfati fluminis posita, et ipsa multorum emporium populorum terra marique venientium, in qua videlicet genti tunc temporis *Saberct* nepos *Aedilbercti* ex sorore *Ricola* regnabat, quamvis sub potestate positus ejusdem *Aedilbercti*. (Beda, ii. 3.)

[The province of the *East Saxons*, who are divided by the river *Thames* from *Kent* and are themselves bordering on the Eastern Sea, whose metropolis is the city of *London*, situated on the bank of the aforesaid river, and itself the emporium of many peoples who come by land and sea, where at that time

- {
615
616
}
Part II.
ESSEX.
SEBERT.
SEXRED.
SEWARD.
SIGEBERT.
- 615
}
Death of *SEBERT*, who is succeeded by his three sons^a—
- 616
}
SEXRED—*SEWARD*—and *SIGEBERT*¹.
- [617?]
}
SEXRED, *SEWARD*, and *SIGEBERT*, slain in battle with the “Gens Gewissorum.” *SEWARD* leaves two sons, *SIGEBERTUS* Parvus², and *Sebbi*^b.
- SIGEBERTUS* Parvus succeeds.
- 653
}
SIGEBERTUS Bonus³, son of *Sexbald* (Bede, iii.) or *Sigebald* (Malm.) the brother of *SEBERT*, succeeds.
- 660
}
SIGEBERT is killed by his subjects.
- SWIDHELM* or *SWITHELM*, brother of *SIGEBERTUS* Bonus, succeeds.
- 665
}
Succeeded by *SIGEHERE*, son of *SIGEBERTUS* Parvus, and *SEBBI*, brother of *SIGEBERTUS* Parvus, as co-heirs, but each ruling over a separate part of the kingdom, under the supremacy of Mercia^c.
- [683?]
}
SIGEHERE is succeeded by his son *OFFA*, who had perhaps been already associated to him^c.

Saberct, the nephew of *Ædilberct*, by his sister *Ricula*, reigned over the people, although he was subordinate to the power of this same *Ædilberct*. (Bede, ii. 3.)]

^a The authorities disagree as to this succession. Bede says, that Sebert's three sons succeeded him as his heirs, “tres suos filios...regni temporalis hæredes reliquit” (ii. 5) [he left his three sons as heirs of his temporal kingdom], whose names are given by Brompton (p. 743). Malmesbury and Flor. Wigorn. name Sexred and Seward only as his successors, and no further mention is made of Sigebert.

^b Bede merely notices the death of the sons of Sebert. The other particulars are from Malmesbury and Flor. Wigorn. According to Flores Hist. the battle took place in 623.

^c The supposition that *Sebbi* and his sons reigned concurrently is grounded upon a charter granted by *Hodilredus* (i.e. Ethelred) parens *Sebbi*, in favour of the monastery of Beddingham, and thus confirmed:

Ego *SEBBI*, Rex *East Saxonum*, pro confirmatione subscripsi.

Ego *Oedelredus*, donator, subscripsi.

Part II.

ESSEX.

SIGEHEARD.
SWEFRED.

— *SEBBI* resigns his crown, and is succeeded by his sons, *SIGHEARD* and *SWEFRED*, or *SUEBRED*^a who, perhaps, had been associated to him in his lifetime.

SELRED.

709 *OFFA*, son of *SIGHERE*, resigns his crown, and dies a monk at Rome. He is succeeded by *SELRED*,

Signum manus *SEBBI*, Regis.

Signum manus *SIGEHEARDI*, Regis.

Signum manus *SUEBREDI*, Regis.

[I, *SEBBI*, King of the *East Saxons*, have subscribed myself in confirmation.

I, *Æthelred*, the giver, have subscribed myself.

The mark of the hand of *SEBBI*, the King.

The mark of the hand of *SIGEHEARD*, the King.

The mark of the hand of *SUEBRED*, the King.]

The Charter (Bib. Cott. Augustus II. 29)¹ has the appearance of being an original document, and all the signatures were written at one time.

SUEFRED or *SUEBRED* does not appear with any co-regent in a charter granted A.D. 704, by which he grants certain lands "in provincia quæ nuncupatur *Middelseaxan*" [in the province which is called *Middlesex*] to Bishop "*Waldar*." The Charter is made "cum licentia *Ædelredi* Regis" [with the license of King *Æthelred*]. (Smith's *Bede*, App. 749.)²

That *Sighere* and *Sebbi* were not tenants in common, but that each held distinct sovereignty, appears from *Bede*, iii. 30. Eodem tempore provinciæ *Orientalium Saxonum* post *Suidhelmum*, de quo supra diximus, præfuere Reges *Sigheri* et *Sebbi*, quamvis ipsi regi *Merciorum Uulfhere* subjecti. Quæ videlicet provincia, cum præfata mortalitatis clade premeretur, *Sigheri* cum sua parte populi, relictis Christianæ fidei sacramentis, ad apostasiam conversus est. [At that time the Kings, *Sigher* and *Sebbi*, were appointed over the province of the *East Saxons* after *Swilhelm* (of whom we have spoken above), although they themselves were subject to King *Wulfhere* of the *Mercians*. And while this province, it appears, was being oppressed by the calamity of the above-mentioned mortality, *Sighere* and his portion of the population, having abandoned their Christian vows, turned to apostasy.] In a charter of *Offa*, 690, he is styled "*Rex Anglorum*." (Thorn, p. 2219.)

^a *Bede*, iv. 23. The date of *Sebbi*'s resignation is uncertain.

the son of *SIGEBERTUS* Bonus, who reigned **Part II.**
38 years^{a b}. **ESSEX**

SELRED.

738 King *SELRED* is slain^b. He is succeeded by
SWITHRED I. SWEFRED dies. **SWITHRED**

758 *SWITHRED I.* King of the East Saxons about this
time. (See above, p. 541, note a.)

799 *SIRIC*¹, about this time. (Sax. Chron. Wilkins, *SIRIC*.
Concilia I. 169.)

823 Essex submits to *Egbert*, King of Wessex (see above,
p. 345) but *London* continues under the supremacy
of *Mercia*; and it is probable that from this time
Middlesex was permanently detached from Wessex^c.

^a Bede (v. 91) notices the resignation of Offa; the accession
of *Selred* appears from Flores Hist. and Malmesbury.

^b A.D. 746 Her man sloh *Selred* cyning. (AS. Chronicle.)
[In this year King *Selred* was slain.]—A.D. 738 Rex *East*
Saxonum Selredus occiditur. (Flores Hist.) [*Selred* the King
of the *East Saxons* is killed. (Flowers of the Histories.)] The
latter date is the more probable.

^c *Selredo* perempto, anno regni sui tricesimo octavo, *Suithredus*
regni solium obtinuit ac aliquantis annis tenuit. Cujus post
mortem, reges pauci super *East Saxones* regnare proprii. Nam
eodem anno quo regnum defecit *Cantuariorum*, cum ipsis et cum
Suth Saxonibus strenuo regi *West Saxonum Ecgberto* sponte se
dederunt, et ei suisque successoribus tam diu parebant, quoad
Danicus Rex *Guthrum* super eos potestatem acciperet. *Lundonia*
tamen cum terris circumjacentibus, *Mercensibus* regibus quamdiu
ipsi regnaverunt, paruit. (Flor. Wigorn. Gen. 691.)

[After the slaying of *Selred* in the 38th year of his reign,
Suithred obtained the throne of the kingdom and held it for
some years. After his death few of their own Kings reigned
over the *East Saxons*. For in the same year in which the
kingdom of *Kent* came to an end, they surrendered with them
and the *South Saxons*, to *Egbert* the powerful King of the *West*
Saxons, and were obedient to him and his successors until the
Danish King *Guthrum* obtained power over them. However
London, with the adjacent country, was obedient to the Kings
of the *Mercians* as long as they ruled. (Florence of Worcester,
Genealogies, p. 691.)]

- Part II.** 827} *SWITHRED II.* King of *Essex*, expelled (see above,
ESSEX. 828) p. 348)^a.
SWITHRED II.
ATHELSTANE-
Ethelwulfing. 836 *ATHELSTANE*, son of *Ethelwulf*, King of *Essex*
and *Kent*, &c. (See above, pp. 351, 465.)

- BEORTWULF.* 897 Death of *BEORTWULF*, Dux or Ealdorman of the
East Saxons.

GUTHRUN-
Athelstane. Essex being included within the frontier of the
territory assigned to *GUTHRUN-ATHELSTANE*,
it was probably governed by him in conjunction
with *East Anglia*. (See above, p. 544.)

- 913} *Maldon* occupied by *Edward* the Elder—part of the
915} inhabitants of *Essex* submit to him.

- 918 Further submission of the Men of *Essex*.

- 921 *Edward* the Elder marches with his “*Fyrd*” to
Colchester, and occupies the town—other parts of
the inhabitants of *Essex* submit to him.

- 1016 *Essex* and *London* allotted to *EDMUND* Ironside on
the division of the Empire between him and
CANUTE. (See above, p. 413.)

- BRIHTNOTH.* 991 *BRIHTNOTH*^b, the valiant Alderman or Dux of the
East Saxons, killed by the Pagan Danes at *Maldon*.

^a The voluntary submission of the men of *Essex* to *Egbert*
seems to shew that they, like the men of *Kent*, considered him
as their lawful King, and perhaps the two *Swithreds* were intrusive
monarchs. The date of *Swithred*’s expulsion, stated in general
terms by *Malmesbury*, is fixed by *Flores Hist.* in this year, p. 240.
This *Swithred* must have been the successor of *Siric*.

^b We possess a more than ordinary acquaintance with this
noble warrior; for the will which he made, when he was about to
proceed against the Pagans, is extant (see above, p. 314); and
we can listen to the poet by whom his achievements have been
sung. (*Conybeare’s Anglo-Saxon Poetry*, pp. xc.—xevi.) In
the *Book of Ely* (lib. ii. cap. vii.) which contains an elaborate

- 1051 Essex was afterwards included in the Earldoms of **Part II.**
HAROLD and of *ALGAR*. (See above, p. 437.) **ESSEX.**

- *Leofcild*, Scir-Gerefa^a.
 — *Robberd* and *Esgar*^a, "Stalleres."

MIDDLESEX.

MIDDLESEX.

This Province, part of the original dominion of the East Saxons, appears to have been afterwards governed by *Mercia*. (See above, p. 559.)

- Included in the Earldom of
 1053 *HAROLD*^b.

portrait of Brihtnoth's character, and a full detail of his achievements, he is styled the "nobilissimus Northanhymbrorum Dux" [most noble Duke of the Northumbrians]. This epithet probably relates to his descent, for the other testimonies imply that he was Duke of the East Saxons. Having determined to appropriate his worldly wealth to pious uses, he appears to have executed separate wills in favour of each establishment. To the Abbey of Ely he bequeathed many Townships, thirty marks of gold, and twenty pounds of silver, and directed that his corpse should be interred there, if he fell in the approaching conflict. His directions were carried into effect, and his widow, *Adelfleda*, not only surrendered the right which she possessed in two Townships, by reason of her dowry, or "Morgengabe," but added other gifts—a *Torques* or collar of gold, probably the insignia of the Ealdorman—and a "cortina,"¹ the counterpart of the Bayeux tapestry, upon which his valiant deeds were embroidered. The bones of *Brihtnoth* were deposited in the stone wall of the ancient choir of Ely; when the cathedral was repaired and "improved" (i.e. mangled and defaced) in the course of the last century, they were removed to the south aisle of the new choir.

^a Named in writs addressed by Edward the Confessor to them and Bishop William. (Mon. I. 298, 299.)

^b Mon. I. 297.

- Part II.** — *Osgod Clapa* and *Ulf*, Seir-Gerefas^a.
 — *Esgar*, the King's "Stallere" in Middlesex^a.

HERTFORD.

HERTFORD.

Included in the Earldoms of

- *BEORN*^b.
 — *LEOFWINE*^c. (Perhaps Harold's brother.)

LONDON.

LONDON.

Supremacy thereof, granted by Alfred to *Ethelred*,
 Ealdorman of Mercia. (See above, pp. 499–500.)

- *Leofstan* and *Alfsi*, Port-Gerefas^d.

NORTH-
UMBRIA.

BERNICIA.

OCTA. EBUSA.

NORTHUMBRIA. ANGLES.

- *OCTA* and *EBUSA* first 500? The Saxons take the city *DEIRA*
 settle North of the Hum- of York.—Archbishop
 ber. Other settlements Samson takes refuge in
 formed by various Eal- Armorica, where he
 dormen, who continue founds the see of Dol.
 under the supremacy of (Dubious—see Morice, I.
 Kent, until the accession 548.)
 of *Ida*. (Will. Malm. i.
 44.) 516 [*Colgrim*, and his brother
Baldwulph, said to have
 occupied Northumbria.
 They are attacked by

^a Writs addressed to them and Bishop *Rodberd*. (Mon. I. 299.)

^b Writ addressed by the Confessor to him and to Bishop
Ednoth. (Bib. Cott. Faustina A iii, f. 103.)

^c Writ addressed by the Confessor to him and to Bishop
Wulsi.

^d Writs addressed to them and to Bishop *William*. (Mon.
 I. 300, &c.)

Arthur, and defeated on **Part II.**
the river Douglas^a.] **NORTH-**
UMBRIA.

- A. (Gaioia.) 547 IDA¹, accompanied by his father, *Eoppa*, lands at Flamborough^b—assumes the government—reigns 12 years. (Bede, v. 24. Sax. Chron.)
- A. — ADDA¹, son of IDA, reigns five (or according to Nennius nine) years.
- PPA. — CLAPPA, son of IDA, reigns seven years.
- OD- WULF. — THEODWULF, son of IDA, reigns one year.
- OTH- WULF. — FREOTHWULF, son of IDA, reigns seven years.
- 588 } Death of ELLA².
589 }
- EO- DORIC. — THEODORIC¹, son of IDA, reigned seven years. (App. Nenn.)
- HEL- RIC. 589 ÆTHELRIC¹, son of IDA, succeeds, after the death of *Ella*, to the supremacy of Northumbria—reigns five years (Malm., Sax. Chron.); or four, according to Wallingford.
- EDWIN, son of ELLA, expelled from his kingdom by ÆTHELFRITH, and received by Redwald, King of the East Angles.
- ELLA, son of YFFI, de- ELLA.
scribed by Malmesbury (Deira.) and the Chronicle, as the successor of IDA, and who seems to have had the supremacy over the whole of Northumbria—reigns about 30 years.

^a A very dubious statement. The battle on the Douglas is mentioned by Nennius. The achievements of Colgrim and Baldwulph are detailed at length by Geoffrey of Monmouth; the date is given from Flores Hist.

^b Wallingford, p. 526. This author gives the following succession¹, *Adda*, 8 years—*Glappa*, 1—*Hulsa* (*Hussa* ?)—*Frithwolf*, 7—*Theoric*, 7—*Eatheldric*, or *Athelric*, 4—*Eathelfrid*, or *Ethelfrith*, 24. The uncertain author quoted by Leland, Coll. (II. 34), seems to have had much in common with Wallingford.

Part II.
NORTH-
UMBRIA.
ETHELFRITH.

- 592 **ETHELFRITH**, son of — **EDWIN** marries *Cwen-*
 ÆTHELRIC, succeeds *burgha*, the daughter of
 on the death of his *Charles* or *Ceorl*, King
 father—married to *Acca*, of Mercia.
 daughter of *Ella*—reigns
 24 years. (Sax. Chron.
 Flor. Wigorn. Bede.)

- 596 *Fritholgwald* and *Hussa*¹,
 chieftains of Northum-
 bria about this time^a.

- 603 **ETHELFRITH** defeats *AIDAN*, "King of the Scots
 inhabiting Britain," in the battle of Degsastan,
 fought in the eleventh year of his reign. (Bede, i.
 24.)—[According to the Saxon Chronicle, *Aidan*
 fought *against* the *Dalreudi* and *against* **ETHEL-**
 FRITH^b.]

- 613 **ETHELFRITH** defeats the Britons under **BROC-**
 MAIL, at Chester^c.

^a The first of these chieftains, whom the Cumbrian genealogist (Nennius, p. 17) calls kings, is said to have flourished about the time when Ethelbert of Kent received Christianity. *Hussa* is said to have reigned six years.

^b Her *Ægthan*, *Scotta Cining*, *feahrt with Delreoda* and *with Æthelferthe*, *Northhymbra Kining*, *æt Dægsan stane*—perhaps an error of the Saxon Chronicle². [In this year *Aedan*, king of the Scots, fought *against* the *Dal Riada* and *against* *Æthelferth*, king of the Northumbrians, at *Dawston*.]

^c By Bede the extent of Ethelfrith's conquests is forcibly described.

592—613 His temporibus, regno *Northanhymbrorum* præfuit Rex fortissimus et gloriæ cupidissimus *Aedilfrid*, qui plus omnibus *Anglorum* primatibus gentem vastavit *Brettonum*..... Nemo enim in tribunis, nemo in regibus plures eorum terras, exterminatis vel subjugatis indigenis, aut tributarias genti *Anglorum*, aut habitabiles fecit. (Beda, i. 34.)

[592—613 At that time, *Æthelfrith*, a very brave King and one most eager for glory, governed the kingdom of the *Northumbrians*, and ravaged the people of the *Britons* more than all the great men of the *Angles*....For no ealdorman or king made more of their lands subject to the *Angles* or occupied

- 617 **ETHELFRITH** killed by **Redwald** and **Edwin**, in the battle of Idelton: his sons, the Ethelings, **Eanfrid**, **Oswald**, **Oswy**, **Oslac**, **Oswood**, and **Offa**, expelled by the conquerors. Part II.
NORTH-
UMBRIA.
ETHELFRITH.

Edwin assumes the government of *Deira* and *Bernicia*. The Athelings take refuge amongst the *Picts*. **Eanfrid** marries a Pictish princess, by whom he has *Talorgan*, afterwards King of the *Picts*.

- **Edwin**^a, King of *Northumbria*, and **Bretwalda**, obtains the supremacy over the *Scots*, the *Picts*, and all the *British* and *Anglo-Saxon* states, *Kent* excepted, and subdues *Man* and *Anglesea*, and the other islands of the British seas^b.
- *Elmet* conquered by him, and the British King expelled^a.

by them, after subjugating or exterminating the inhabitants. (Bede, i. 34.)]

^a *Edguin* filius *Alli* regnavit annis septemdecem, et ipse occupavit *Elmet* et expulit *Certic*, regem illius regionis. (Nen. Geneal. 117.)

[*Edguin*, son of *Alli*, reigned for seventeen years, and he seized *Elmet* and drove out *Certic*, the King of that district. (Nennius, Genealogies, 117.)]

^b Bede has detailed the succession of the sovereigns bearing the title of *Bretwalda*, in a passage adopted by most of the other chroniclers.

616 Anno ab Incarnatione Dominica, sexcentesimo decimo sexto, qui est annus vicesimus primus, ex quo *Augustinus* cum sociis ad prædicandum genti *Anglorum* missus est, *Aedilberct* Rex *Cantuariorum* post regnum temporale, quod quinquaginta et sex annis gloriosissime tenuerat, æterna cœlestis regni gaudia subiit: qui tertius quidem in regibus gentis *Anglorum* cunctis Australibus eorum provinciis, quæ *Humbræ* fluvio et contiguus ei terminis sequestrantur a Borealibus, imperavit; sed primus omnium cœli regna conscendit. Nam primus imperium hujusmodi *Aelli* Rex *Australium Saxonum*; secundus *Cælin* Rex *Occidentalium Saxonum*, qui lingua eorum *Ceaulin* vocabatur; tertius, ut diximus, *Aedilberct* Rex *Cantuariorum*; quartus *Reduald* Rex *Orientalium Anglorum*, qui etiam vivente *Aedilbercto* eidem suæ genti ducatum præbebat, obtinuit; quintus *Aeduini* Rex *Nordanhymbrorum* gentis, id est, ejus quæ ad Borealem

Part II.
NORTH-
UMBRIA.
Edwin.

625 Addressed by Pope Boniface as “Rex Anglorum.”
(Bede ii. 10.)

Humber fluminis plagam inhabitat, majore potentia cunctis qui *Brittaniā* incolunt, *Anglorum* pariter et *Brettonum* populis præfuit, præter *Cantuariis* tantum; neenon et *Meuanias*, *Brettonum* insulas, quæ inter *Hiberniam* et *Brittaniā* sitæ sunt, *Anglorum* subiecit imperio; sextus *Oswald* et ipse *Nordanhymbrorum* Rex Christianissimus, hisdem finibus regnum tenuit; septimus *Oswiu* frater ejus, æqualibus pene terminis regnum nonnullo tempore coercens, *Pictorum* quoque atque *Scottorum* gentes, quæ septentrionales *Brittaniæ* fines tenent, maxima ex parte perdomuit, ac tributarias fecit. (Beda, ii. 5.)

[616 In the year 616 after our Lord's Incarnation, which is the 21st year since *Augustine* was sent with his companions to preach to the people of the *English*, *Ædilberct*, King of *Kent*, after the temporal rule which he had most gloriously held for fifty-six years, experienced the eternal joys of the heavenly Kingdom. And he was the third King of the people of the *English* to rule over all their Southern provinces, which are separated from the Northern provinces by the river *Humber* and the boundaries that abut on it, but he was the first of all to ascend to the realm of heaven. For the first to hold a sovereignty of such extent was *Aelli*, King of the *South Saxons*, the second was *Cælin*, King of the *West Saxons*, who in their language is called *Cæaulin*, the third, as we have said, was *Ædilberct*, King of *Kent*; the fourth was *Redwald*, King of the *East Anglians*, who, even in the life-time of *Ædilberct*, was winning the leadership for that same race of his; the fifth, *Aeduin*, King of the *Northumbrian* people, that is of the people that inhabit the district to the north of the river *Humber*, who with still greater power presided over all those who dwell in *Britain*, the peoples of the *English* and the *Britons* alike, except the people of *Kent* only. And he also subjected to the overlordship of the *English* the *Mevanian* islands of the *Britons*, which are situated between *Ireland* and *Britain*; the sixth was *Oswald*, the most Christian King of the *Northumbrians*, who held a kingdom with the same boundaries; the seventh, *Oswiu*, his brother, for some time controlling a kingdom within almost equal limits, succeeded to a large extent in subjugating also the peoples of the *Picts* and *Scots*, who hold the territories of the north of *Britain*, and making them tributary. (Bede, ii. 5.)]

With respect to Edwin's conquests over the Britons, the

626. Attacks the *West Saxons*, and subdues them. (See Part II. above, p. 333.)

NORTH-
UMBRIA.
Edwin.

expressions employed by Bede seem to imply that the whole race became subjected to his supremacy.

625 Quo tempore etiam gens *Nordanhymborum*, hoc est, *ea natio Anglorum* quæ ad aquilonalem *Humberæ* fluminis plagam habitabat, cum rege suo *Aeduino*, verbum fidei, prædicante *Paulino*, cujus supra meminimus, suscepit. Cui videlicet regi in auspiciis suscipiendæ fidei et regni cœlestis, potestas etiam terreni creverat imperii: ita ut, quod nemo *Anglorum* ante eum, omnes *Britanniæ* fines, qua vel ipsorum vel *Brettonum* provinciæ habitant, sub ditione acceperit. Quin et *Mevanias* insulas, sicut et supra docuimus, imperio subjugavit *Anglorum*: quarum prior, quæ ad austrum est, et situ amplior, et frugum proventu atque ubertate felicior, nongentarum sexaginta familiarum mensuram juxta æstimationem *Anglorum*; secunda trecentarum et ultra spatium tenet. (Beda, ii. 9.)

[625 At this time also the people of the *Northumbrians*, that is, that nation of the *English* which inhabits the district to the north of the river *Humber*, together with their King *Edwin*, received the word of faith, at the preaching of *Paulinus*, of whom we have told above. This king, as an earnest of his receiving the faith and of his inheritance in the heavenly kingdom, obtained an increase of his power and rule on earth; so that he received under his sway all the territory of *Britain*, namely those provinces which the *English* themselves or the *Britons* inhabited, a thing which no King of the *English* before him had done. Moreover he subdued to the *English* rule the *Mevanian* islands, as we have mentioned above. The first of these islands, which is to the south and is larger in size and delights in a richer production of fruits and in greater fertility, according to the estimation of the *English*, is of the measurement of 960 families; the second of 300 or more. (Bede, ii. 9.)]

At vero *Aeduini*, cum decem et septem annis genti *Anglorum* simul et *Brettonum* gloriosissime præesset... *rebellavit* adversus eum *Caedwalla* Rex *Brettonum*, &c. (Beda, ii. 20.)

[But when *Edwin* had most gloriously ruled over the people of the *English* and the *Britons* for seventeen years, *Caedwalla*, King of the *Britons*, rebelled against him, etc. (Bede, ii. 20.)]

Egbert was afterwards added to the number of the *Bretwaldas* (see above, p. 347). The later kings, who possessed the same kind of authority as the *Bretwalda*, generally took the style of

Part II.
NORTH-
UMBRIA.
Edwin.

626 *PENDA*, of the royal family of the Mercians, assumes the title of King, and separates *Southumbria* from *Northumbria*, to which it had been subjected. (See above, p. 479.)

633 Oct. 12.—*PENDA* and *Ceadwalla*, King of the Britons, allied against *Edwin*, whom they defeat at *Heathfield*, in which battle he is killed, in the eighteenth year of his reign “over the *English* and *Britons*.” (Bede, ii. 20, 22; v. 24.)

EANFRID.
(*Bernicia*.)

633 } *EANFRID*, son of *Ethel-*
634 } *frith*, and father of *TA-*
LORGAN, King of the
Picts, returns from a-
mongst the *Scots*, and
succeeds to the king-
doms by his hereditary
right (Bede, iii. 1) —
killed by *CEADWALLA*,
and he having apostat-
ized, his reign is con-
sidered as merged in that
of his successor.

633 } *OSRIC*, son of *Alfric*, son *OSRI*
634 } of *Yffi*, succeeds by (Dei.)
hereditary right—killed
by *CEADWALLA*, and
he having apostatized,
his reign is considered
as merged in that of his
successor.

CEADWALLA occupies
York, and probably the
whole of the kingdom.
(Bede, iii. 1.)

Oswald.

635 *Oswald*, brother of *EANFRID*, defeats *CEAD-*
WALLA, and regains both kingdoms; his claim
to *Deira* being founded upon his descent from *Acha*
or *Acca*.—Obtains the dignity of Bretwalda or
Emperor of Britain, and is acknowledged as such
by the four nations or tongues of Britain^a—the

“*Basileus*,” or some other equivalent, implying imperial sove-
reignty.

^a *Oswaldus*, qui postea a Deo totius *Britanniæ* Imperator
ordinatur. (Cummineus, *Vita Columbæ*, c. 26.)

[*Oswald*, who subsequently was ordained by God Emperor
of the whole of *Britain*. (Cuimine, *Life of St. Columba*, c. 26.)]

635—642 *Rex Oswald*. . . omnes nationes et provincias *Brit-*
anniæ, quæ in quatuor linguas, id est, *Brettonum*, *Pictorum*,
Scottorum, et *Anglorum*, divisæ sunt, in ditione accepit. (Beda,
iii. 6.)

[635—642 King *Oswald* received under his sway all the
nations and provinces of *Britain*, which are divided into four
tongues, that is, the *Britons*, the *Picts*, the *Scots* and the
English. (Bede, iii. 6.)]

Angles, the Britons, the Scots, and the Picts. **Part II.**
Reigns nine years (i.e. reckoned from the accession of *EANFRID* and *OSRIC*^a). **NORTH-UMBRIA**

Oswald.

642 Aug. 5.—*Oswald* killed by *PENDA*, the heathen King of *Mercia*, in the battle of *Maserfelth*, in the ninth year of his reign.

glo.
Bicla.)

642 *Oswio*, brother of *Oswald*, succeeds to *Bernicia*—much troubled by the *Mercians*, by his son *Alchfrid*, and by *Ethelwald*, or *Oidilwald*, son of *Oswald*. He obtains the dignity of *Bretwalda*, and subdues the greater part of the *Scots* and *Picts*^b—reigns twenty-eight years.

644 *OSWIN*, son of *OSRIC*, *OSWIN*. obtains *Deira*—reigns nine years. Great dissensions between *Deira* and *Bernicia*. *(Deira.)*

651 Aug.—Retreats before *Oswio* and is killed by treachery. *Oswio* succeeds partly to *Deira*. (*Bede*, iii. 14.)

ETHELWALD, son of *ETHELWALD*. *Oswald*, reigns also in this country^c. *(Deira.)*

^a *Osuwald filius Eadfred regnavit novem annis: ipse est Osuwald Lamnguin*¹, ipse occidit *Catgublaun* regem Guenedotiae regionis in bello *Catscaul*, cum magna clade exercitus sui. (*Nen. Geneal.*)

[*Oswald* the son of *Eadfred* reigned for nine years; that same is *Oswald Lamnguin*; he slew *Catgublaun*, King of Guenedotia, in the battle of *Catscaul*, with a great slaughter of his army. (*Nennius, Genealogies.*)]

The British epithet of “*Llanigwin*” may be rendered “Fair Hand.”

^b 658 *Idem autem Rex Osuii*, tribus annis post occisionem *Pendan* Regis, *Merciorum* genti necnon et cæteris australium provinciarum populis præfuit, qui etiam gentem *Pictorum* maxima ex parte regno *Anglorum* subjecit. (*Beda*, iii. 24.)

[658 Moreover this same King *Osuii*, for three years after the killing of King *Penda*, reigned over the people of the *Mercians* and the other peoples of the southern provinces, and he also to a large extent succeeded in subjugating the people of the *Picts* to the *English* Kingdom. (*Bede*, iii. 24.)]

^c He founded “*Læstingæu*.” If, as has been supposed, this monastery was situated at *Lastingham* in *Cleveland*, the kingdom of *Ethelwald* may have comprehended the modern *Yorkshire*. (*Bede*, iii. 23.)

Part II.
NORTH-
UMBRIA.
Oswio.

655 Oswio, in the thirteenth year of his reign, defeats *PENDA*, and obtains the direct dominion of *Mercia*, and also the supremacy of *Deira*. (Bede, iii. 24.)

Kingdom of *South Mercia* granted by him to *PEADA*, son of *PENDA*, and Ealdorman of the *Middle Angles*. (See above, p. 480.)

656 *Mercian* Duces rebel against Oswio, and raise *WULF-HERE*, son of *PENDA*, to the government. (See above, p. 480.)

657 Oswio joins with *ECGBERT*, King of *Kent*, in sending *Wigheard* to *Rome*, to be consecrated as Archbishop of *Canterbury*^a.

Oswio addressed by Pope *Vitalian* as "*Rex Saxonum*." (Bede, iii. 29.)

^a The following passage of Bede is remarkable on many accounts.

His temporibus, Reges Anglorum nobilissimi, *Oswiu* provinciae *Nordanhymbro- rum*, et *Ecgerct Cantuariorum*, habito inter se consilio, quid de statu Ecclesiae Anglorum esset agendum, intellexerat enim veraciter *Oswiu* quamvis educatus a *Scottis*, quia *Romana* esset catholica et apostolica ecclesia, adsumpserunt, cum electione et consensu sanctae ecclesiae gentis Anglorum, virum bonum, et aptum episcopatu, presbyterum nomine *Uig-hardum*, de clero *Deusdedit* episcopi, et hunc antistitem ordinandum *Romam* miserunt: quatenus accepto ipse gradu archiepiscopatus, catholicos per omnem *Brittaniam* ecclesiis Anglorum ordinare posset antistites. (Beda, iii. 29.)

[At this time the most noble Kings of the *English*, *Oswiu* of the province of the *Northumbrians*, and *Ecgerct* of *Kent*, took counsel together as to what action should be taken regarding the state of the Church of the *English*. For *Oswiu*, although educated by the *Scots*, had rightly understood that the *Roman* was the catholic and apostolic church. And so, with the election and consent of the holy church of the race of the *English*, they chose a good man and one fitted for the bishopric, a priest, by name *Wigheard*, from among the clergy of Bishop *Deusdedit* and sent him to *Rome* to be ordained bishop; so that he after having received the status of archbishop, might be able to ordain catholic prelates throughout all *Britain* in the churches of the *English*. (Bede, iii. 29.)]

669 About this time the Archbishopric of York, which **Part II.**
included the *Pictish* provinces, was co-extensive **NORTH-**
with *Oswio's* empire^a. **UMBRIA.**

671 Death of *Oswio*. *Oswio*.

671 *ECGFRID*, son of *Oswio*, succeeds^b. The *Picts* *ECGFRID*.
attempt to throw off the supremacy of *ECGFRID*,
but they are defeated with great slaughter^c.

^a *Uilfrido administrante episcopatum Eboracensis ecclesiae, necnon et omnium Nordanhymbrorum, sed et Pictorum, quousque Rex Osuii imperium protendere poterat. (Beda, iv. 3.)*

[While *Wilfrid* was administering the bishopric of the Church of York and also not only of all the *Northumbrians*, but also of the *Picts*, as far as King *Oswiu* had been able to extend his Kingdom. (Bede, iv. 3.)]

^b Vita S. Wilfridi, p. 60.

^c 670 In primis annis *Ecgridi* Regis *Deirorum* et *Berniciorum*, tenero adhuc regno, populi bestiales *Pictorum* feroci animo subjectionem *Saxonum* despiciebant, et jugum servitutis a se abjicere minabantur. Quo audito Rex *Ecgridus* statim equitatu exercito preparato contra enormem et supra invisibilem hostem cum *Bernhaeth* audaci subregulo invasit, stragemque immensam populi subruit et in servitutem redacti populi usque ad diem occisionis Regis subjecti jugo captivitatis jacebant. (Eddius, Vita Wilfridi, c. 19.)

[670 In the early years of *Ecgrid*, King of the people of *Deira* and *Bernicia*, while his rule was still young, the bestial peoples of the *Picts*, fierce in disposition, began to despise their subjection to the *Saxons* and threatened to cast off the yoke of servitude from themselves. . . . But when King *Ecgrid* heard this. . . he immediately got ready well-trained horsemen. . . and marched against an enormous host, stretching farther than the eye could reach¹, in company with *Beornhaeth*, his bold vassal-king, and overthrew them with a great slaughter of the people . . and the *Picts*, brought back to servitude, lay under the yoke of captivity until the day the King was slain. (Æddi, Life of St. Wilfrid, c. 19.)]

Nec minus Rex *Ecgridus* suo deerat officio, regnum dilatando in *Pictos*, tuendo in *Mercios*. *Picti* enim, defuncto Rege *Oswio*, parvi facientes teneram infantiam reguli, proruunt ultro et conspirant in *Northanhimbros*; quibus cum subregulo *Bernego* regius juvenis occurrens, ita paucis suis militibus innumera-
bilem *Pictorum* delevit exercitum, ut campi cadaveribus constrati

Part II.
NORTH-
UMBRIA.
ECGFRID.

- 678 About this time *Lindesey* conquered by ECGFRID from WULFHERE—*Wilfrid* expelled, and his diocese divided amongst two Bishops, the Pastors of the *Northumbrians*, *Bosa* of *Deira*, or *York*, and *Eata* of *Bernicia*, whose seat was at *Hexham*, or at *Lindisfarne*. *Eadhard* was also appointed Bishop of *Lindisse*, his seat being fixed at *Sidnacestre*. (Bede iv. 12.)

About this time *ALFWIN*, brother of ECGFRID, reigned in some part of *Northumbria*.

- 679 War with *Mercia* continued.
- 680 Synod at *Hæthfield*, in the tenth year of the reign of ECGFRID.
- 681 *Trumwin* ordained Bishop of the *Pictish* provinces, then subject to the English.
- 684 ECGFRID sends an army to Ireland, under the command of his Ealdorman *Berht*, who ravages the country.
- 685 About this time ECGFRID conquers several portions of territory from the Britons of *Cumbria*—various lands near the *Ribble* are particularly mentioned^a

planitiem amitterent, flumina cursu intercepto subsisterent. (Will. Malm. de Gestis Pontificum, lib. iii.)

[Nor was King *Ecgrid* less careful of his duty in extending his rule against the *Picts*, and in guarding against the *Mercians*. The *Picts* after the death of King *Oswiu*, treating the tender years of the little King with contempt, revolt, and conspire against the *Northumbrians*; but the young prince, going to meet them with his under-king *Beornhæth*, with his few soldiers so destroyed the countless army of the *Picts* that the plains were strewn with corpses and lost their level surface, while the rivers stood still, arrested in their course. (William of Malmesbury, Acts of the Bishops, bk. iii.)]

^a Upon the dedication of the “Basilica” of Ripon, some of these conquests—“juxta *Rippel*, et in *Gaedine* et in regione *Dunitinga* et in *Caetlevum*” [near *Rippil* and in *Gaedine* and in the district of the *Dunitings* and in *Caetlevum*—were granted to St. Wilfrid by Ecgrid and Ælwine. The British clergy fled before the victors, and abandoned their churches to the Anglian priesthood. Wilfrid, in his address to the kings and people,

—*Cartmel*, “with the Britons thereupon,” is **Part II.** granted by him to the see of *Lindisfarne*^a.—**NORTH-UMBRIA.** *Carlisle*, and a territory of fifteen miles in circuit, granted in like manner by him in the synod held at *Twyforth*^b. (Bede, iv. 28.)
ECGFRID.

- 685 May 20.—ECGFRID invades the *Pictish* territory, then governed by *BRUDEI*—killed in battle at *Nechtansmere* (Dunnichen). The *Picts* appear to have regained a part of their territory, and to have expelled the *English* as well as the *Scots*; and the *Britons* of *Strath Clyde* became more independent, until they again yielded to the power of the *Anglo-Saxon* kings. (Bede, iv. 26. Sim. Dunelm. App. Nenn. 116.)
- 685 ALDFRID, or EALDFERTH, son of *Ōstwi*, and ALDFRID, brother of ECGFRID, succeeds to the kingdom (Bede, ut supra), though within narrower limits than it had been held by his predecessors—reigns nineteen years. (Bede, v. 1.)
- 699 The Ealdorman *BERHT* slain by the *Picts*. (Sax. Chron. Ann. Ult.)
- 705 ALDFRID dies in the twentieth year of his reign.
OSRED, his son, succeeds—reigns eleven years. OSRED. (Bede, v. 18.)
- 710 *BERTHFRITH*, an Ealdorman of *Northumbria*, defeats the *Picts*, who seem to have been the

numerated the “*loca sancta in diversis regionibus quæ clerus Brittonum, aciem gladii hostilis manu gentis nostræ fugiens, deseruit.*” (Vita Wilfridi, p. 60.) [The holy places in various districts which the clergy of the *Britons* deserted, in flight from the edge of the hostile sword in the hands of our people. (Life of Wilfrid, p. 60.)]

^a Dedit Sancto *Cuthberto* Rex *Egfridus* terram, quæ vocatur *Cartmel* et omnes *Britanni* cum ea. (Sim. Dunelm. Hist. S. Cuthberti, p. 79.)

[King *Egfrid* gave to St. *Cuthbert* the land which is called *Cartmel* and all the *Britons* thereupon. (Simeon of Durham, History of St. Cuthbert, p. 79.)]

^b Sim. Dunelm., Hist. Dunelm. p. 5, and the original charter in Smith’s Bede, p. 782.

Part II.
NORTH-
UMBRIA.
OSRED.

invaders. (Flor. Wigorn. Sax. Chron. Ann. Ult.)
OFFERUS, called "Consul *Northanhymbrorum*,"
 also stated to have gained a victory over the
 same enemy. (Matt. West.)

716 OSRED slain in battle.

COENRED.

COENRED, son of CUTHWIN, succeeds (Bede, v. 22)
 —reigns two years.

OSRIC.

718 OSRIC, succeeds (Bede, v. 22)—reigns eleven years.

CEOLWULF.

729 May 9.—Death of OSRIC, having nominated CEOL-
 WULF, brother^a of COENRED, as his successor.
 (Bede, v. 23.)

737 CEOLWULF resigns the crown in favour of *EAD-*
BERT, son of *Eata*, his "patruus." (Sim. Dunelm.
 de Gestis. Hist. Dunelm. ii. 3.)

EADBERT.

EADBERT succeeds accordingly—subdues all the
 neighbouring kings, *Angles*, *Picts*, *Britons*, and
Scots. *Pepin*, King of the *Franks*, seeks his
 friendship—reigns twenty-one years^b.

^a His nephew, according to the Saxon Chronicle.

^b Verum intermissa paululum de episcopis narratione, de ipso rege *Eadberto* breviter aliquid dicendum videtur congruum. Patruus, ut dictum est, *Ceolvulfi* regis, vocabulo *Eata*, filius erat, qui suscepto regno efficacem se valde ac strenuum ad tenendum regendumque imperium exhibebat. Omnibus itaque adversariis, vel sibi subjectis, vel bello prostratis, reges circumquaque morantes *Anglorum*, *Pictorum*, *Britonum*, *Scottorum*, non solum cum eo pacem servabant, sed et honorem illi deferre gaudebant. Cujus excellentiæ fama, ac operum virtutis longe lateque diffusa, etiam ad regem *Franciæ Pipinum* pervenit, propter quod ei amicitia junctus, multa ei ac diversa dona regalia transmisit. (Sim. Dunelm. Hist. Dunelm. ii. 3.)

[Intermitting for a short while our narrative of the bishops, it seems fitting to make a short statement about King *Eadbert* himself. As has been said, he was the son of King *Ceolvulf's* uncle, whose name was *Eata*, and he, after ascending the throne, shewed himself thoroughly capable and strong to hold and direct the government. After having therefore made all his enemies either subject to him or having subdued them in war, the neighbouring Kings of the *English*, *Picts*, *Britons* and *Scots* not only preserved peace with him, but were also

- 756 EADBERT in alliance with UNNUST, King of the **Part II.**
Picts, takes the town of *Alclud*. **NORTH-**
UMBRIA.
- 758 EADBERT resigns his crown. **EADBERT.**
- 758 OSWULF, son of EADBERT, succeeds by the **OSWULF.**
 nomination of his father.
- 759 July 24.—OSWULF killed at *Michel Wongtune*.
 (Sim. Dunelm. de Gestis.)
- 759 Aug. 5.—ETHELWALD, surnamed *Moll* (of uncertain **ETHELWALD-**
 descent) succeeds—reigns six years. (Sim. Dunelm. **Moll.**
 de Gestis. Hist. Dunelm. iii. 4.)
- 761 Aug. 6.—ETHELWALD defeats OSWIN, a Dux of
Northumbria, in the great battle of *Eldune*, near
Melrose. (Sim. Dunelm. de Gestis.)
- 762 ETHELWALD married to *Etheldritha*.
- 765 Oct. 30.—ETHELWALD “loses the Kingdom of the
 Northumbrians” at *Winchenhale*. (Sim. Dunelm.
 de Gestis, 106.)
- 765 ALCHRED, said to be of the race of *Ida*, succeeds^a. **ALCHRED.**
- 768 ALCHRED married to *Osgearna*. (Sim. Dunelm. de
 Gestis.)
- 772 Death of the Dux *PICTEL*. (Sim. Dunelm. de
 Gestis.)
- 774 Death of the Dux *EADWULF*. (Sim. Dunelm. de
 Gestis.)

delighted to do him honour. The fame of his excellence and of his good works was spread far and wide and reached even *Pepin*, King of *France*. On this account he became united with him in friendship and sent him many and divers royal gifts. (Simeon of Durham, History of Durham, ii. 3.)]

^a *Alhredus filius Eanwini*, qui fuit *Birnhom*, qui fuit *Bosæ*, qui fuit *Bleocmanni*, qui fuit *Ailric*, qui fuit *Idæ* (Flor. Wigorn.) [*Alchred*, the son of *Eanwine*, the son of *Birnhom*, the son of *Bosa*, the son of *Bleocman*, the son of *Ailric*, the son of *Ida* (Florence of Worcester)]; but by some his genealogy was considered dubious—*Alcred* prosapiâ Regis *Inæ* exortus, ut quidam dicunt. (Sim. Dunelm.) [*Alcred*, as some declare, descended from the line of King *Ina*. (Simeon of Durham, History of the Kings, p. 106.)]

Part II.
NORTH-
UMBRIA.

(*Alchred*
banished.)

ETHELRED or
ETHELBERT.

(*Ethelred*
deposed.)

ELFWALD.

OSRED.

(*Osred* deposed.)

ETHELRED
restored.

- 774 **ALCHRED**, banished or expelled, takes refuge, first in Bamborough, afterwards with **KENNETH**, or **CYNNETH**, King of the *Picts*. (Sim. Dunelm. de Gestis.)
- ETHELRED**, also called **ETHELBERT**, son of **ETHELWALD**, succeeds to the kingdom—reigns four (*Sax. Chron.*) or five years. (Sim. Dunelm. de Gestis. Mailros.)
- 778 Sept. 29.—**ALDWULF**, **CYNWULF**, and **ECGA**, all bearing the title of *Duces*, *Principes*, or “*Heah-gerefas*,” slain in a civil war. (Sim. Dunelm.)
- 779 *Ethelred* expelled and banished. (Sim. Dunelm.)
- 779 **ELFWALD**, son of *Oswulf*, succeeds to the kingdom of *Northumbria*. (Sim. Dunelm. Hist. Dunelm. ii. 4.)
- 780 Civil wars continued. *Beorn*, an Ealdorman or “*Patricius*,” burnt by the *Duces* or Ealdormen **OSBALD** and **ATHELHEARD**. (Sim. Dunelm. de Gestis.)
- 788 Sept. 21.—**ELFWALD** killed by his Ealdorman, *Dux*, or “*Patricius*,” **SIGA**, who appears to have been at the head of a conspiracy against him. (Sim. Dunelm. de Gestis.)
- OSRED**, son of **ALCHRED**, succeeds. (Hist. Dunelm. ii. 4.)
- 790 **OSRED** deposed by a conspiracy or confederation of his “*principes*,”—shorn as a Monk, and afterwards compelled to take refuge in the Isle of Man. (Hist. Dunelm. ii. 4. Sim. Dunelm. de Gestis.)
- 790 **ETHELRED** recalled.
- 791 Attempt made upon the life of the Comes **EARDULF**^b

^a *Sax. Chron.* These dissensions are stated so obscurely, that it cannot be ascertained with certainty, whether the parties slain were the King’s friends or the King’s enemies.

^b The name of “*Eardulf*,” without any addition, appears upon the reverse of many of the coins of *Ethelred* (*Ruding*, p. 10). Perhaps these coins were struck in his territory. *Ruding*, without any sufficient reason, attributes all the coins bearing the name of *Ethelred* to the son of *Eanred*.

(afterwards King of *Northumbria*) by the command of ETHELRED. (Sim. Dunelm. de Gestis.) *Elf* and *Elfwine*, sons of *Elfwald*, slain by the commands of ETHELRED^a. Part II.
NORTH-
UMBRIA.
ETHELRED.

792 *Osred* returns from the Isle of Man, trusting in the oaths and engagements of certain of his "Milites," but they abandon him, and he is killed (Sept. 14th) by ETHELRED's orders.

Sept. 29.—ETHELRED married to *Elfreda*, daughter of King OFFA.

793 *Lindisfarne*, &c. ravaged by the Danes.

796 Apr. 18.—ETHELRED killed.

796 OSBALD, "Dux et Patricius," nominated or elected by a party amongst the Principes^b, but expelled after reigning twenty-seven days—takes refuge amongst the *Picts*. OSBALD.

796 May 26.—EARDULF, recalled from exile, succeeds —reigns ten years—consecrated at York. (Sim. Dunelm. 114.) EARDULF.

798 Ealdorman *Wada*, at the head of the party which had slain *Ethelred*, declares war against EARDULF.

^a *Filii Elfwaldi Regis ab Eboraca civitate vi abstracti, et de ecclesia principali per promissa fallaciæ abducti, miserabiliter sunt perempti ab Ethelredo rege in Wonwaldremere, quorum nomina Ælf et Ælfwine fuere.* (Sim. Dunelm. de Gestis.)

[The sons of King *Alfwold*, having been taken by force from the city of *York*, and drawn from the principal church by false promises, were miserably put to death by King *Ethelred* at *Windermere*. Their names were *Ælf* and *Ælfwine*. (Simeon of Durham, History of the Kings.)]

^b ...a quibusdam ipsius gentis principibus in regnum est constitutus, et post septem et viginti diebus omni Regiæ familiæ ac principum est societate destitutus, fugatusque et de regno expulsus. (Sim. Dunelm. de Gestis, p. 113.)

[...he was raised to the throne by certain princes of that people, and twenty-seven days later was forsaken by the Royal family and the princes, and was put to flight and banished from the kingdom. (Simeon of Durham, History of the Kings, p. 113.)]

Part II.
NORTH-
UMBRIA.
EARDULF.

Battle of *Billingahoth*, near *Whalley*^a, in which *WADA* is defeated. (April 2.)

799 *OSBALD*, who had become an abbot, dies^b.

Ealdorman *ALDRED*, the slayer of *ETHELRED*, killed by Ealdorman *THORTMUND*, who revenges the fate of his lord.

799 Ealdorman *MOLL* killed by the command of *EARDULF*.

800 *Alchmund*, son of *ALCHRED*, apprehended and killed by command of *EARDULF*.

801 Death of *EDWIN*, otherwise *EDA*, whilom a Duke

^a Anno 798. Conjuratiōe facta ab interfectoribus *Ethelredi* Regis, *Wada* Dux in illa conjuratione cum eis bellum inierunt contra *Eardwulfum* Regem in loco qui appellatur ab *Anglis* *Billingahoth*, juxta *Walalege*, et ex utraque parte plurimis interfectis, *Wada* Dux cum suis in fugam versus est, et *Eardwulfus* Rex victoriam regaliter sumpsit ex inimicis. (Sim. Dunelm. de Gestis, p. 114.) [In the year 798. A plot having been formed by the assassins of King *Ethelred*, Duke *Wada*, who was with them in that plot, made war with them against King *Eardwulf*, in a place which is called by the *English*, *Billinghow*, near *Whalley*. After many men on both sides had been killed, Duke *Wada* with his men was put to flight and King *Eardwulf* royally gained the victory over his enemies. (Simeon of Durham, History of the Kings, p. 114.)] Since it was necessary to state the English name of *Billingahoth*, it is probable that it also yet retained a British name amongst the Britons.

^b 799. Ipso quoque tempore *Osbald*, quondam dux et patricius, et ad tempus rex, tunc vero abbas, diem suscepit ultimum, cujus corpus in ecclesia *Eboracæ* civitatis sepultum est. *Aldred* vero dux, interfecto *Etheldredi* regis, a *Thorhtmundo* duce, in ultionem domini sui ejusdem regis, interfectus est. (Sim. Dunelm. de Gestis, p. 116.)

[799. At that time also *Osbald*, once duke and ealdorman, and for a time king, at that time however an abbot, reached his last day and his body was buried in the cathedral in the city of *York*. Duke *Aldred* also, the assassin of King *Ethelred*, was slain by duke *Torhtmund* in revenge for the death of his lord the King. (Simeon of Durham, History of the Kings, p. 116.)]

or Ealdorman of the *Northumbrians*, afterwards an abbot. Part II.
NORTH-
UMBRIA.
EARDULF.

801 EARDULF declares war against COENWULF, King of the Mercians, in consequence of the latter having harboured his enemies.

806 *Eardulf* banished^a. (Eardulf
banished.)

— ALFWOLD succeeds—reigns two years. ALFWOLD.

808 EARDULF supported by *Charlemagne*, perhaps restored by him. (*Annales Einhardi.*) EARDULF.

809 EANRED, son of EARDULF, succeeds. EANRED.

829 EANRED and the *Northumbrians* submit to *Ægbert*.
(See above, p. 350.)

— ETHELRED, son of EANRED, succeeds. ETHELRED.

844 *Ethelred* expelled. REDWULF usurps the kingdom^b, but he and the Consul ALFRED (probably sharer in the government) are defeated and slain by the *Danes*, at "*Alvetheleie*," and ETHELRED regains his kingdom^c. (Ethelred
expelled.)
REDWULF.
ALFRED.
ETHELRED
restored.

848 } OSBERT succeeds on the death of ETHELRED. OSBERT.
849 }

867 Civil wars. ELLA, said to be an usurper, and not of the royal family, obtains part of *Northumbria*^d. ELLA.
OSBERT.

^a Unde diu sine Rege fuerunt. (*Chron. de Burgo.*)

[Wherefore they were for a long time without a King. (*Chronicle of John, Abbot of Peterborough.*)]

^b Coins struck by "*Redwulf* Rex," during his short reign, are still preserved. (*Ruding, pl. 11.*)

^c *Flor. Hist.*

^d *Northanhymbri* legitimum Regem suum, *Osbyrht* nomine, regno expulerunt, et tyrannum quendam, *Ælla* nomine, non de regali prosapia progenitum, super regni apicem constituerunt. (*Asser, p. 18.*)

[The *Northumbrians* expelled from the throne their legitimate King, by name *Osbyrht*, and set up over the kingdom a certain tyrant, by name *Ælla*, who was not descended from the royal line. (*Asser, Life of Alfred, p. 18.*)]

Eodem tempore maxima inter *Northanhymbrorum* populos discordia erat succensa,.....His diebus *Northanhymbrorum* gens, legitimum suæ gentis Regem, *Osbyrht* vocitatum onomate,

Part II.
NORTH-
UMBRIA.
ELLA.
OSBERT.

Northumbria attacked by the *Danes*, who invaded *Britain* under the command of *Halfdene*, *Ingwar*, *Hubba* (the sons of *Ragnar Lodbrok*, *Suhm.* II. 251), *Bacgsegg*, *Guthrun*, *Oscytel*, *Amund*, and *Sidroc*^a.

The two kings, the "legitimate monarch" and the "tyrant," make peace with each other, and divide the kingdom^b.

867 Nov. 1. *Danes* take *York*.

868 March 21. *OSBERT* and *ELLA* attempt to recover the city, but are killed in the conflict. *Northumbrians* enter into a treaty with the *Danes*, by whom *EGBERT* is created King of *Northumbria* (i.e. *Bernicia*) to the north of the *Tyne*—reigns six years^c.

EGBERT I.

869 *Danes* re-occupy *York*.

de regno hostiliter expulerunt, et tyrannum quendam, nomine *Alla*, super apicem regni constituerunt. Venientibus super regnum *Paganis*, consilio *Divino* et optimatum adminiculo discordia illa sedata est. (*Sim. Dunelm. de Gestis*, p. 123.)

[At the same time a very great discord was kindled among the peoples of the *Northumbrians*.... In those days the people of the *Northumbrians*, rising against him, expelled from the kingdom the legitimate King of their people, by name *Osbryht*, and set up over the kingdom a certain tyrant, by name *Ælla*. But when the *Pagans* attacked the kingdom, by the counsel of God and the aid of the optimates this discord was calmed. (*Simeon of Durham, History of the Kings*, p. 123.)]

This is a remarkable passage. It has every appearance of being transcribed, verbatim, from a very ancient, perhaps coeval, writer.

^a *Wallingford* represents *Ingwar* and *Hubba* as the leaders, and says that they ravaged the whole country, from *East Anglia* to the *Scottish sea*. (p. 533.)

^b On some of *Osbert's* coins the title of "Rex" is omitted.

^c *Prædicti Pagani* sub suo dominio Regem *Ecgbertum* præfecerunt. *Ecgbertus* vero regnavit post hæc super *Northumbros* ultra *Tine* sex annis. (*Sim. Dunelm. p.* 142.)

[The above-mentioned *Pagans* appointed *Ecgbert* King under their lordship. *Ecgbert* indeed reigned thereafter over the *Northumbrians* beyond the *Tyne* for six years. (*Simeon of Durham, History of the Kings*, p. 142.)]

- 872) *EGBERT* expelled by the *Northumbrians*—restored **Part II.**
 873) —dies. (Sim. Dunelm. de Gestis, p. 145.) **NORTH-UMBRIA.**

RICSIG succeeds to *Northumbria* beyond the *Tyne*, EGBERT I.
 or *Bernicia*—reigns three years. RICSIG.

- 875 *Danes* under *Halfdane* winter on the banks of the *Tyne*, subdue the country, and plunder the *Picts* and *Britons* of *Strath Clyde*.

- 876 Death of *RICSIG*.

Another *ECGBERT* succeeds, and reigns beyond the EGBERT II.
Tyne, or in *Bernicia*.

HALFDANE settles in *Northumbria*, and divides the kingdom amongst his followers^a.

- 883 *Danes* in *Northumbria* without a leader, in consequence of the death of *Halfdane*.

- 883 *GUTHRED*, said to be the son of *Hardacnut* (the GUTHRED.
 thirty-eighth King of *Lethra*—Suhm. II. 25), but then a thrall, having been sold into slavery by the sons of *Ragnar Lodbrok*, redeemed from servitude—acknowledged as King by the *Danes* and *English*. Reigns in *York* [*Deira*], whilst *ECGBERT* is acknowledged as King of the *Northumbrians*^b [in *Bernicia*], both under the supremacy of *ALFRED*.

Territory between *Tyne* and *Tees* given to *St. Cuthbert*^c.

^a ...totam regionem sibimet et suis divisit, et illam cum suo exercitu coluit. (Asser.)

[...divided up the whole district between himself and his men, and tilled it with his army. (Asser, Life of Alfred.)]

^b It seems about this period, *Bernicia* began to assume the name of *Northumbria*, as distinguished from *Deira*.

^c Tunc Sanctus *Cuthbertus* Abbati *Eadredo* assistens per visionem præcepit, ut Episcopo et omni exercitui *Anglorum* atque *Danorum* diceret, quatinus *Guthredum* filium *Hardecnuti*, quem *Dani* vendiderant in servum cuidam viduæ apud *Hwitingaham*, dato præcio, redimerent, et redemptum sibi in regem levarent: regnavitque super *Eboracum*: *Egbert* vero super *Northimbros*. Quod factum est tredecimo anno regni *Elfridi* Regis...

Part II.
NORTH-
UMBRIA.

GUTHRED.

- 893) Death of *GUTHRED*, after a prosperous reign (Hist.
894) Dunelm. ii. 14.) *ALFRED* assumes the govern-
ment.

Tunc et legem pacis quam ipse Sanctus *Cuthbertus* per prædictum abbatem mandaverat; ut scilicet, quicumque ad corpus illius confugerit, pacem a nullo infringendam per xxxvii dies habeat, tam Rex *Guthredus*, quam Rex *Alfredus*, perpetuo conservandam confirmarunt. Quam si quisquam quoquo modo violaverit, sicut pacem regis fractam, nonaginta sex libris mulandum censuerunt. Ad hoc in augmentum prioris episcopatus, totam inter *Tyne* et *Teisam* præfati duo reges, omnium consensu Sancto *Cuthberto* terram perpetuo possidendam addiderunt. Quicumque autem hæc statuta quocumque ingenio infringere temptaverit, hunc infernalibus pœnis tradendum perpetuo anathemate dampnarunt. Jam enim multo ante defecerat episcopatus *Hagustaldensis* ecclesiæ. (Sim. Dunelm. de Gestis, pp. 147, 148.)

[At that time Saint *Cuthbert*, appearing to the Abbot *Eadred* in a vision, bade him tell the Bishop and all the army of the *English* and the *Danes* to redeem by a ransom *Guthred*, the son of *Hardecanute*, whom the *Danes* had sold as a slave to a certain widow at *Whittingham*, and that after redeeming him they should raise him to the throne. And he reigned over *York*; and *Ecgbert* reigned over the *Northumbrians*. And this was done in the thirteenth year of King *Alfred*....]

At that time both King *Guthred* and King *Alfred* established to be preserved for ever the right of sanctuary which Saint *Cuthbert* himself had enjoined by means of the aforesaid Abbot, namely that whosoever should take refuge by his body, should have sanctuary, to be infringed by no one, for thirty-seven days. And if anyone should violate this privilege in any way they decreed that he should be fined in the sum of ninety-six pounds, as though he had violated the King's peace. Moreover in augmentation of the former bishopric the two Kings before mentioned, with universal consent, gave in addition to Saint *Cuthbert*, the whole land between the *Tyne* and the *Tees*, to be held as a perpetual possession. Moreover whosoever should attempt, by any device whatsoever, to infringe these statutes, they condemned him, with perpetual anathema, to be handed over to the torments of hell. For the bishopric of the church of *Hexham* had long before ceased to exist. (Simeon of Durham, History of the Kings, pp. 147, 148.)]

In Simeon's History of Durham (ii. 13), where the vision is

ment of *Northumbria*^a, and the Pagans of *North-* **Part II.**
umbria, probably under *EOHRIC* or *ERIC*, submit **NORTH-**
to him. **UMBRIA.**

ERIC.

901 Death of *Ælfred*, King of *Wessex*, and supreme Lord of *Northumbria*.

ETHELWALD, the Atheling of *Wessex*, opposes the *ETHELWALD.*
accession of *EDWARD*, the son of *Alfred*—accepted
as King by the Danes of *Northumbria*^b, who had
united into one people with the English.

— *Osbert* expelled from the kingdom^c.

902 *Brehtsig* killed^c.

given in greater detail, the territory given to St. Cuthbert is said to be the land between Tyne and Wear. The larger boundary, however, is the more consistent with the state of the possessions of the see. The history of this period is extremely obscure, and would require more trouble to elucidate it than I can now bestow.

^a According to the first narrative of *Sim. Dunelm.* (p. 134) the Northumbrians swore fidelity to him *against* the Pagans who had returned; according to the second (p. 151), the Pagans do fealty. The East Anglian Danes joined in this submission.

^b The Saxon Chronicle says, “hi hine underfengon him to cynge, and him to bugon” [they received him for their king and submitted to him]. Florence and Huntingdon describe his proceedings with more particularity. “*Northumbriam* petit, *Danos* exposuit, ut non tam ducem se quam commilitonem recipiant, unumque ex collegio suo esse velint: quem in regia mox illi dignitate præficiunt sibi.” (*Flor. Wigorn. ad an.*) [He went to *Northumbria* and begged the *Danes* to receive him not so much as their leader as their fellow-soldier, and to be willing that he should form one of their company: shortly afterwards they set him over themselves as a king. (Florence of Worcester.)] “*Ivit ad exercitum qui erat in Northymbria. Illi vero nobilitati juvenis congaudentes, constituerunt eum Regem et Ducem super Duces suos.*” (*Hen. Hunt.*) [He went to the army which was in *Northumbria*. And they remarking with joy the nobility of the young man, appointed him King and Duke over their own Dukes. (Henry of Huntingdon.)]

^c Probably two Northumbrian Ealdormen or Subreguli, but no further account is given of them.

Part II.
NORTH-
UMBRIA.

ETHELWALD.
REGNALD.
NIEL. SIHTRIC.

ETHELWALD excites the Danes to invade Mercia.
He and *ERIC* are both killed in battle.

- 912 *REGNALD*, the son of *Ivar*, lands in *Northumbria*—takes the city of *York*—divides great part of the patrimony of *St. Cuthbert* between *Scula* and the "*Holda*," *Olave*^{a, 1}

^a Of this transaction Simeon of Durham has preserved two narratives:

Hiis diebus *Elfred* filius *Biritulfinci* fugiens piratas venit ultra montes versus occidentem, et quæsit misericordiam Sancti *Cuthberti*, et Episcopi *Cutheardi*, ut præstarent sibi aliquas terras. Tunc Episcopus *Cutheardus* pro charitate Dei, et amore Sancti *Cuthberti*, præstitit illi has villas, *Esingtun*, *Seletun*, *Thorep*, *Horedene*, *Iodene*, duas *Scotun*, *Iodene* australem, *Holum*, *Hotun*, *Twinlingtun*, *Billingham*, cum suis appendiciis, *Scurufatun*. Has omnes villas, sicut dixi, præstitit Episcopus *Elfredo*, ut sibi et congregationi *fidelis* esset, et de his plenum servitium redderet. Quod et fideliter fecit, donec *Regenwaldus* Rex venit cum magna multitudine navium, et occupavit terram *Aldredi* filii *Eadulfi*, qui erat dilectus regi *Eadwardo*, sicut et pater suus *Eadulfus* dilectus fuit regi *Elfredo*. Fugatus igitur *Eldredus* in *Scotiam* ivit, *Constantini* regis auxilium quæsit, illum contra *Regenwaldum* regem apud *Corebrige* in prælium adduxit. In quo prælio, nescio quo peccato agente, paganus rex vincit, *Constantinum* fugavit, *Scottos* fudit, *Elfredum* Sancti *Cuthberti* fidelem, et omnes meliores *Anglos* interfecit, præter *Ealdredum*, et fratrem ejus *Uhtred*. Quibus fugatis et tota terra superata, divisit villas Sancti *Cuthberti*, et alteram partem versus austrum dedit cuidam potenti militi suo qui vocabatur *Scula*, à villa quæ vocatur *Iodene*, usque ad *Billingham*. Alteram vero partem dedit cuidam qui vocabatur *Onalafball* a *Iodene* usque ad fluvium *Weorram*. Et hic filius diaboli inimicus fuit, quibuscunque modis potuit, Deo et Sancto *Cuthberto*. Quadam itaque die, cum plenus immundo spiritu cum furore intrasset ecclesiam sancti confessoris, astante Episcopo *Cutheardo* et tota congregatione: Quid, inquit, in me potest homo iste mortuus *Cuthbertus*, cujus in me quotidie minæ opponuntur? Juro per Deos meos potentes, *Thor* et *Othan*, quod ab hac hora inimicissimus ero omnibus vobis. Cumque episcopus et tota congregatio genua flecterent ante Deum et Sanctum *Cuthbertum*, et harum minarum vindictam, sicut scriptum est, *mihi vindicta et ego retribuam*, ab eis expeterent: conversus ille filius diaboli cum magna superbia et indignatione voluit egredi. Sed

cum alterum pedem posuisset jam extra limen, sensit quasi ferrum in altero pede sibi altius infixum. Quo dolore diabolicum cor ejus transigente, corrui, suamque peccatricem animam Diabolus in infernum trusit. Sanctus vero *Cuthbertus*, sicut justum erat, terram suam recepit. (Historia Sancti Cuthberti, pp. 73, 74.)

Part II.
NORTH-
UMBRIA.
ETHELWALD.

[In those days, *Alfred*, son of *Beorhtwulfing*, flying from the pirates came across the mountains to the west and asked for the pity of Saint *Cuthbert* and Bishop *Cutheard*, to lease him some lands. Then Bishop *Cutheard*, for the charity of God and the love of Saint *Cuthbert*, leased him these towns:—*Easington*, *Monk Hesleden*, *Thorp*, *Horden*, *Little Eden*, *Seaton*, *Castle Eden*, *Holum*, *Hutton*, *Willington*, *Billingham* with all its appendages, and *Sheraton*. As I have said, the Bishop leased all these towns to *Alfred*, on condition of fidelity to him and his congregation and of rendering full service for them. And this he faithfully fulfilled until King *Regenwald* came with a great multitude of ships and seized the land of *Ealdred*, the son of *Eadwulf*, who was a favourite of King *Eadward*, just as also his father *Eadwulf* had been a favourite of King *Alfred*. *Ealdred* therefore, when put to flight, went to *Scotland* and sought help from *Constantine* the King, and brought him to fight against King *Regenwald* at *Corbridge*. And in this battle, as a consequence of some misdeed or other, the Pagan King conquered and put *Constantine* to flight, scattering the *Scots* and slaying *Alfred*, *St. Cuthbert's* man, and all the best of the *English*, except *Ealdred* and his brother *Uhtred*. And when they had been put to flight and the whole country overcome, he divided up the vills of Saint *Cuthbert* and gave one part towards the south to one of his powerful knights, who was called *Scula*, from the town which is called *Little Eden* as far as *Billingham*. The other part he gave to one named *Onalafball*, from *Little Eden* as far as the river *Wear*. And this child of the Devil was opposed in every way he possibly could devise to God and Saint *Cuthbert*. And so on a certain day, when filled with an unclean spirit he had furiously entered the cathedral of the holy confessor, while Bishop *Cutheard* and the whole congregation stood by, he said, "What power has this dead *Cuthbert* of yours against me, whose threats are daily hurled at me? I swear by my powerful Gods, by *Thor* and *Woden*, that from this hour I will be the deadliest enemy of you all." And when the Bishop and the whole congregation bent their knees before God and Saint *Cuthbert*, and sought

Part II.
NORTH-
UMBRIA.
ETHELWALD.

from them the punishment of these threats, as it is written, "Vengeance is mine and I will repay," this child of the Devil turning about with great arrogance and indignation wished to go forth. But when he had placed one of his feet outside the threshold, he felt as it were a nail driven deep into his other foot. And the pain of this shooting through his diabolical heart, he collapsed and the Devil thrust his sinful soul into hell. And Saint *Cuthbert*, as was just, recovered his land. (History of Saint Cuthbert, pp. 73, 74.)]

Occupavit quoque totam mox terram Sancti *Cuthberti*, villasque ipsius duobus suis militibus, quorum unus *Scula*, alter *Onalafbald* appellabatur, distribuit. Horum *Scula*, à villa quæ vocatur *Iodene* usque *Billingham* sortitus dominium, miseros indigenas gravibus tributis et intolerabilibus afflixit. Unde usque hodie *Eboracenses*, quoties tributum regale solvere coguntur, ei parti terræ Sancti *Cuthberti*, quam *Scula* possederat, in levamentum sui mulctam pecuniæ imponere nituntur. Scilicet legem deputant, quod paganus per tyrannidem fecerat, qui non legitimo regi *Anglorum*, sed barbaro et alienigenæ, et regis *Anglorum* hosti militabat. Nec tamen quamvis multum in hoc laboraverint, pravam consuetudinem huc usque, Sancto *Cuthberto* resistente, introducere potuerunt. Aliam vero partem villarum *Onalafbald* occupavit, qui multo quam socius ejus immaniores et crudeliorem se in sui perniciem omnibus exhibebat. (Hist. Dunelm. ii. 16.)

[He also seized soon after the whole land of Saint *Cuthbert* and divided its villas between two of his knights, one of whom was called *Scula*, the other *Onalafbald*. And of these *Scula*, having obtained the lordship from the town which is called *Little Eden* as far as *Billingham*, afflicted the poor inhabitants with grievous and intolerable tributes. Wherefore even unto this day as often as the people of *Yorkshire* are constrained to pay royal tribute, they strive to impose a payment of money on that part of the land of Saint *Cuthbert* which *Scula* had possessed, to relieve their own burden. In fact they hold to be lawful the tyrannical act of a pagan who served not the legitimate king of the *English* but a barbarian and foreigner and an enemy of the king of the *English*. Nor, however, although they laboured hard for its success, have they been able even to the present day to introduce the ungodly practice in the face of the resistance of Saint *Cuthbert*. The other part of the villas *Onalafbald* held and he, to his own undoing, shewed himself to all far more monstrous and cruel even than his co-partner. (History of the Church of Durham, ii. 16.)]

ALDRED, the son of EADULF, is expelled from his dominions^a, and flies into Scotland, where he is received by Constantine.

Part II.
NORTH-
UMBRIA.
ETHELWALD.

919 REGNALD takes the city of York.

920 King NIEL killed by his brother SIHTRIC^b.

920 Manchester in Northumbria fortified and garrisoned by Edward^c.

921} REGNALD and SIHTRIC, Kings of the Danes, and

924} the Danes and English inhabiting Northumbria, accept Edward as their Lord and Father^d. (See above, pp. 358-360.)

REGNALD.
SIHTRIC.

Accession of Athelstane.

^a According to Ethelwerd, the "barbarians" about this time rose against Ethered, who then governed Mercia and Northumbria—qui tunc regebat Northymbrias partes atque Myrcias [who at that time ruled over the regions Northumbria and Mercia]. Ethelred of Mercia was then dead, and it is difficult to explain this obscure passage.

^b An uncertain date.—The event is also assigned to the years 914 and 921. According to Huntingdon, this event happened before the acquisition of York by Regnald. "*Sidric, Rex Nordhumbre, occidit fratrem suum Nigellum; quo scelere patrato, Rex Reginaldus conquistavit Nordhumbre.*" [Sidric King of Northumbria, killed his brother Nigel and, after the perpetration of the crime, King Reginald acquired Northumbria.] The other chroniclers (Simeon excepted) do not mention the relationship between Sihtric and Niel. In this instance, therefore, the sources employed by Simeon and Huntingdon were more perfect than those of other early compilers. Regnald, Sihtric and Niel were the sons of Guthred. (Suhm. II. 448.)

^c Misit in Northumbriam Merciorum exercitum, ut urbem Mamcestriam restaurarent et in ea fortes milites collocarent. (Flor. Wigorn. and Sim. Dunelm.) [He sent an army of the Mercians into Northumbria to rebuild the city of Manchester and to place a strong garrison in it. (Florence of Worcester and Simeon of Durham.)] The Saxon Chronicle places this fortification of "Manige-ceastre" in 923. I doubt, however, whether Manchester was ever really included in the kingdom of Northumbria.

^d It will be observed that the Saxon Chronicle seems to place this event in 924, but the other authorities are to be preferred.

Part II.
NORTH-
UMBRIA.

REGNALD.
SIHTRIC.

925 *SIHTRIC*, married to *Eadgitha*, sister of *Athelstane*, confirmed in the possession of *Bernicia*, or the territory from the *Tees* to *Edinburgh*^a.

926) *SIHTRIC* dies. *GUTHFERTH*, his son, succeeds,
927) but attempts to throw off his subjection (Wallingford, p. 541), and is expelled by *Athelstane*^b.

REGNALD.
ERIC.

REGNALD continuing to govern his portion of the kingdom, the *Northumbrian* Chieftains^c become the men or vassals of *Athelstane*, their homage being performed at *Emmet*, 12th of July (see above, p. 368); and about this time *ERIC* also obtains a great part of *Northumbria*, as the vassal of *Athelstane*^d.

^a *Accepit Sictricus pro regno a Teisa usque ad Etheneburgam.* (Wallingford, p. 540.) [*Sictric* received as his kingdom from the *Tees* as far as *Edinburgh*. (John of Wallingford, p. 540.)] A statement liable to some doubt. It is implied by Huntingdon and Brompton that *Sihtric* possessed York, until expelled by *Regnald*.

^b Anno 927. *Ethelstanus* Rex de regno Brittonum *Gudfridum* regem fugavit. (Sim. Dunelm.)

[In the year 927. King *Athelstan* put King *Gudfrid* to flight from the kingdom of *Britain*. (Simeon of Durham.)]

^c About this time the *Northumbrians*, aggregated into one nation with the *Cumbrians*, *Scots* and *Danes*, inclined more to them, than to the English of the South. (Fordun, 203.)

^d Consensus est, ut *Eiricus Northumbriam* ab *Adalsteino* in fidem clientelamque acciperet, acceptamque adversus *Danorum* aliorumque piratarum excusiones, *Scotos* etiam, jam sibi a debellato *Olafo* vectigales factos, sed semper infidos, tutaretur: cumque uxore et liberis, Christianam religionem amplecteretur *Memoriæ* proditum est, *Northumbriam* quintam totius *Angliæ* partem amplitudine sua confecisse, *Eiricumque Blodoxium*, *Jorvici*, seu *Eboraci*, sedem regiam habuisse. (Torfæus, Hist. Norweg. IV. 7.)

[It was agreed that *Eric* should receive *Northumbria* from *Athelstan* in fealty and vassalage, and that, when he had received it, he should keep it safe from the inroads of the *Danes* and other pirates, even the *Scots* who, although they had been made to pay tribute to himself by the vanquished *Olaf*, yet were always untrustworthy; and that with his wife

and children he should embrace the Christian religion. It has been handed down to posterity that he made *Northumbria* in size a fifth part of the whole of *England* and that *Eric Blood-Axe* had his royal throne at *Jorvic* or *York*. (Torfæus, History of Norway, IV. 7.)] Part II.
NORTH-UMBRIA.

This Eric, called Eric "Blodoxe," was the son of Harold Harfager, King of Norway. (Suhm. II. 502.) The following passages relate to the transactions *annis* 947, 950 (see below, pp. 592, 593).

Edredo namque reverso in australes regni sui partes, *Anlaf* qui a regno *Nordhumbre* aufugatus fuerat, rediit cum magna classe in *Nordhumbram*, et cum gaudio susceptus est a suis, et regno iterum restitutus, quod in fortitudine tenuit quatuor annis. Quarto autem anno solita infidelitate utentes *Nordhumbri* fugaverunt regem eorum *Anlaf*, et susceperunt *Hyr*c filium *Haraldi* in regem. Sed ille iterum brevi tenuit regnum.

Edredus, rex eximius, septimo anno regni sui receptus est iterum in regno *Nordhumbre*: gens namque patriæ illius dominum diu non perferens unum, tertio anno regni sui *Hyr*c filium *Haraldi* ut leviter acceperat, leviter abjecerat, et regem *Edredum* ad se sponte vocatum regni sede reponunt.

Edredus, rex eximius et invictus, cum super omnes partes *Angliæ* tandem rex solus regnasset, fatis exigentibus, hominem exuit, octavo anno postquam diadematis insigni sublimatus fuerat. (Hen. Hunt.)

[For after *Edred* had returned to the southern parts of his kingdom, *Anlaf*, who had been banished from the kingdom of *Northumbria*, returned with a large fleet to *Northumbria* and was joyfully welcomed by his own men and again restored to the kingdom which he held bravely for four years. In the fourth year however, the *Northumbrians*, with their usual faithlessness, drove out their King *Anlaf* and took *Eric* the son of *Harald* as their King. But he again held the throne only for a short while.

Edred, the glorious King, in the seventh year of his reign, was received back again into the kingdom of *Northumbria*; for the people of that country, not enduring anyone for long as their lord, rejected *Eric* the son of *Harald* in the third year of his reign as lightly as they had welcomed him, and of their own free will recalling King *Edred*, they placed him again on the throne.

Edred, a glorious and invincible King, when he had at length reigned sole King over all the parts of *England*, at the dictates of fate, put off his mortal form, in the eighth year

Part II.
NORTH-
UMBRIA.

ANLAF,
AULAF or
OLAVE. (*Deira*).
REGNOLD.
(*Bernicia*.)

937 ANLAF, AULAF, or OLAVE, "King of Ireland and the Isles," the son^a of GUTHFERTH—(Malm. de Gestis, p. 26), arrives in the Humber with a mighty fleet, accompanied by his brother-in-law, CONSTANTINE, King of the Scots—is defeated in the great battle at *Brunnaburgh*.

941 Accession of Edmund. The *Northumbrians* withdraw their allegiance, and choose AULAF or OLAVE to be their king—probably in *Deira*^b.

after he had been exalted by the distinction of the diadem. (Henry of Huntingdon.)]

Haraldo successit filius ejus *Ericus* nomine; qui ex eo quod fratres occidit, cognomen traxit, "Fratrum interfector." Prædictus vero *Haraldus* miserat unum ex filiis suis *Halstano* Regi *Anglorum*, *Hacon* nomine, ut nutriretur, et disceret morem gentis. . . . Ipse vero *Ericus* ad *Angliam* navigavit, et a Rege honorifice susceptus, ibidem diem obiit. Iste annis tribus regnavit, quorum duos, solus, tertium cum fratre. (Theod. Monachus de Regibus Norvagicis, cap. ii.)

[*Harald's* successor was his son whose name was *Eric*, and he earned the name of "Fratricide" because he had killed his brothers. The aforesaid *Harald* had sent one of his sons, by name *Hacon*, to *Athelstan*, King of the *English*, to be brought up and to learn the manners of the people. *Eric* himself also sailed to *England* and after an honourable reception at the King's hands, died on the same day. And he reigned for three years, two of them alone, the third in conjunction with his brother. (Theodoricus the Monk, on the Kings of Norway, ii.)]

^a According to the Danish historians (Suhm. II. 543) he is also called the son of *Sihtric*. The recurrence of the same names amongst these adventurers renders it impossible to identify them.

^b *Northimbrenses* fidelitati, quam magnifico Regi *Anglorum* *Eadmundo* debebant, infidelitatem præferentes, regem *Northmannorum*, *Anlafum* sibi in regem eligerunt. (Flor. Wigorn.)

[The *Northumbrians*, preferring faithlessness to the fidelity which they owed to *Eadmund*, the magnificent King of the *English*, elected *Anlaf* as their King. (Florence of Worcester.)]

Her *Northhymbra* alugon hira getreowapa, and *Anlaf* of *Yrland* him to cinge gecuron. (Sax. Chron.) [In this year the *Northumbrians* were false to their pledge and chose *Anlaf* of *Ireland* for their king. AS. Chronicle.]

- 943 *AULAF* [son of *Guthferth*?] invades Mercia. Peace concluded between *Edmund* and *Aulaf*, and *Watling-street* assigned as the boundaries of their kingdoms^a—*AULAF* to the North, and *Edmund* to the South^b.

Part II.

NORTH-UMBRIA.

AULAF, ANLAF, or OLAVE.

^a Circum eosdem dies *Analafus*, genere *Norwegiensis*, qui tempore regis *Æthelstani* de regno *Northanhumbro- rum* ejectus fuerat, hoc anno, maximo comitatus navigio, *Eboracum* petivit. Deinde *Austres Angliæ* partes hostiliter adiens, subito sibi regnum *Angliæ* subjugare disposuit. Cumque hæc regi *Ead- mundo* nunciata fuissent, venit ei obviam cum exercitu copioso, et apud *Legecestriam* duo reges hostiliter concurrentes, plurima diei parte damnosum nimis hinc inde prælium commiserunt. Sed duo Archiepiscopi, *Otho* et *Wlstanus*, viso utrinque periculo et regni exterminio, talem inter eos concordiam composuerunt, ut *Analafus* totam *Angliæ* insulam ad borealem plagam stratae regiæ, quæ *Wallinge* dicitur, possideret. *Eadmundus* vero ad australem ejusdem callis partem toto regno pacifice frueretur. Et qui inter eos vitam duceret longiorem, regnum totum post mortem alterius occuparet. Deinde *Anlafus Alditham*, *Ormi* Comitissæ filiam, suscepit uxorem, cujus consilio et auxilio fultus, præfatam victoriam est adeptus. (*Flores Hist.*)

[About this same time *Anlaf*, a *Norwegian* by race, who in the days of King *Æthelstan* had been ejected from the kingdom of the *Northumbrians*; in this year repaired to *York* accompanied by a very large fleet. Then approaching as an enemy the southern parts of *England*, he determined suddenly to subjugate the kingdom of *England* to himself. And when this was reported to king *Eadmund*, he went to meet him with a large army, and the two kings meeting in battle at *Leicester*, fought for the greater part of a day a fight with heavy loss on both sides. But the two Archbishops *Odo* and *Wulfstan*, seeing the danger both sides ran and fearing the ruin of the realm, succeeded in arranging peace between them on such terms that *Anlaf* should possess the whole island of *Britain* in the district north of the royal street which is called *Walling Street*. *Eadmund* however was to enjoy in peace the whole kingdom to the south of that street. And he who should live the longer should receive the whole kingdom after the other's death. Subsequently *Anlaf* took to wife *Alditha*, the daughter of Earl *Orm*, and relying on his counsel and aid he gained the above-mentioned victory. (*Flowers of the Histories.*)]

^b Pace itaque facta, terminus utriusque regni erat *Wallinge-*

Part II.
NORTH-
UMBRIA.

AULAF, ANLAF,
or OLAVE.

(*Olave and
Regnald
expelled.*)

The two Archbishops, *Odo* of *Canterbury* and *Wulstan* of *York*, mediated this treaty, and *Aulaf* obtained his advantage much by the aid of Earl *ORM*, whose daughter *Alditha* he married. *Aulaf* died in this year.

- 944} The two kings of *Northumbria*, viz. *AULAF*, son of
945} *SIHTRIC* (who succeeded to *Aulaf*, son of *Guthferth*), and *REGNOLD*, son of *GUTHFERTH*, being expelled by *Ædmund*, he obtains the sovereignty of *Deira* and *Bernicia*.

- 947 Accession of *Ædrēd* to the Empire of *Northumbria*. *Ædrēd*.
The Northumbrians renew their homage to him (see above, pp. 381–383, and p. 588, note d).

- 948} A great council or assembly of the “Proceres” of
949} *Northumbria*, including the Archbishop *Wulstan*, held at *Taddenscliff*, in which they take the oath of fealty to *Ædrēd* (see above, pp. 381–383), but immediately the Northumbrians break their oaths and pledges, and choose *ERIC*, son of *HAROLD*, who already held *York* by virtue of the grant of *ATHELSTANE*, to be their King. (See above, p. 588, note d.)

ERIC.

- 949} *Ædrēd* ravages *Northumbria*^a.
950}

strete. Edmundus ad australem plagam, Onlaf ad aquilonalem, regnum tenuerunt. (Sim. Dunelm. 134.)

[And so when peace was established, the boundary of both kingdoms was *Watling Street*. *Edmund* held the throne on the southern side, *Anlaf* on the northern. (Simeon of Durham, p. 134.)]

^a Pro infidelitate *Northimbrensiū*, egregius Rex *Anglorum Edredus* totam *Northimbriam* devastat: in qua devastatione, monasterium, quod dicitur “*in Rhipun*,” a sancto *Wilfrido* episcopo quondam constructum, igne est combustum. Redeunte vero domum rege, exercitus de *Eboraca* erumpens civitate, in loco qui dicitur *Casterford*, de extrema parte exercitus regis multam stragem dedit. Unde rex nimis offensus voluit illico redire, et totam illam terram penitus delere. Verum, hoc cognito, *Northimbrenses* timore perterriti, *Ircum*, quem sibi regem praefererant, abjecerunt: regis injurias honoribus, detrimenta muneribus

950 *ERIC* is abandoned by the Northumbrians, and slain by *MACCUS*, son of *OLAVE*. Northumbrians submit to *Edred*^a. (See above, p. 588, note d.)

Part II.
NORTH-
UMBRIA.
ERIC.

952 Period of the cessation of the royal title, as given to the dependent sovereigns of *Northumbria*^b, after

expleverunt, ejusque offensam pecunia non modica placaverunt. (Flor. Wigorn.)

[In return for the defection of the *Northumbrians*, *Edred*, the glorious King of the *English*, laid waste the whole of *Northumberland*; and in this devastation a monastery which is called *Ripon*, formerly built by the holy Bishop *Wilfrid*, was burnt with fire. However when the King was returning home, an army breaking forth from the city of *York* inflicted much slaughter on the rearguard of the King's army, at a place called *Chesterford*. Whereupon the King, greatly enraged, wished to return to that place and utterly destroy the whole of that land. When this became known however, the *Northumbrians*, in the depths of fear, deposed *Eric*, whom they had appointed King over them; and they made amends for the wrongs done to the King by show of respect, and for his losses with gifts, and appeased his anger with money not a little. (Florence of Worcester.)]

^a Rex *EILRICUS* in quadam solitudine quæ *Steinmor* dicitur, cum filio suo *Henrico* et fratre *Reginaldo*, proditione *Osulfi* Comititis, a *Macone* Consule fraudulenter interempti sunt: ac deinde in partibus illis Rex *Eadredus* regnabat. (Flores Hist.)

[King *ERIC*, with his son *Henry* and his brother *Reginald*, were beguiled and slain by *Maccus*, the Ealdorman, through the treachery of Earl *Osulf*, in a certain solitary place which is called *Stainmore*; and hereafter King *Eadred* reigned in those parts. (Flowers of the Histories.)]

This passage is one of the many which prove the value of *Flores Hist.* It is not found in the other Chroniclers, though *Simeon of Durham* has incorporated the facts in his summary of the *Northumbrian* succession.

^b Sed hic paulatim redeamus ad superiora, gratia comitum *Northymbrensiū*, quatinus statu regum *Northanthymbrorum* deficiente, à quibus ceperit provincia illa amministrari comitibus agnoscatur. Ultimus regum provincie illius fuit *Eiricus*, quem *Northymbrenses*, violata fide, quam Regi *Eadredo* juraverant, sibi regem fecerunt. Quare offensus Rex jussit ut tota provincia funditus vastaretur. Ilico *Northymbrenses* expulso rege suo

Part II.
NORTH-
UMBRIA.
ERIC.

which the Province was divided into Earldoms, governed by Earls^a. (Sim. Dunelm. de Gestis, p. 135.)

OSWULF.

953 *OSWULF* receives the Earldom of *Bernicia*, or *Northumbria* North of the *Tyne*^a. (Sim. Dunelm. de Gestis, 204.)

atque occiso à *Macco* filio *Onlafi*, juramentis et muneribus placaverunt regem *Eadredum*, commissa provincia *Osulfo* Comiti. Qui postea regnante *Eadgaro* socium accepit *Oslacum*. Deinde *Osulfus* ad aquilonalem plagam *Tince*, *Oslac* vero super *Eboracum* et ejus fines curas amministrabat. (Sim. Dunelm. de Gestis, pp. 203, 204.)

[But here let us revert a little to things past, with reference to the earls of *Northumberland*, in order that it be known by what earls that province began to be administered when the line of its Kings failed. The last of the Kings of that province was *Eric*, whom the *Northumbrians*, breaking the oath of allegiance they had sworn to King *Eadred*, made King over them. Wherefore the King in anger ordered that the whole province should be utterly laid waste. Thereupon the *Northumbrians* after their King had been expelled and slain by *Maccus*, son of *Onlaf*, succeeded in placating King *Eadred* with oaths and gifts, the province having been entrusted to Earl *Osulf*. And he later in the reign of *Eadgar* received *Oslac* as his partner. Then *Osulf* administered affairs to the north of the *Tyne*, and *Oslac* at *York* and its territories. (Simeon of Durham, Acts of the Kings, pp. 203, 204.)]

^a Anno 952. ...defecerunt hic Reges *Northanhymbrorum*, et deinceps ipsa provincia administrata est per Comites.

Anno 953. Comes *Osulf* suscepit comitatum *Northanhymbrorum*. (Sim. Dunelm. de Gestis, p. 135.)

[In the year 952. ...at this point the Kings of the *Northumbrians* cease and hereafter the province was administered by Earls.

In the year 953. Earl *Osulf* received the Earldom of the *Northumbrians*. (Simeon of Durham, Acts of the Kings, p. 135.)]

Ex quo tempore passa est jugum *Suthanglorum Northumbria*, et Rege proprio et antiqua libertate ad hæc tempora queritur caruisse: porro duo Regna, qui ibi aliquando fuerant, in Baronias et Comitatus divisa sunt. (Wallingford, p. 541.)

[And from that time *Northumberland* suffered the yoke of

EADWY succeeds to the Empire of *Northumbria*. **Part II.**

(See above, p. 387.)

**NORTH-
UMBRIA.**

About this time the Scots acquired possession of *Edinburgh*, or *Castrum Puellarum*. (See Picts and Scots.) **OSWULF.**

957 Northumbrians of *Bernicia*, *Deira* and *Lothian*^a **EDGAR.**
abandon EADWY, and choose **EDGAR** as their
King (see above, p. 388).

959 **Edgar**, upon the death of EADWY, assumes the **Edgar.**
government of *Northumbria*, *Mercia* and *Wessex*^b.

966 **OSLAC** assumes the Earldom of *Deira*, or part there- **OSLAC.**
of. (Sax. Chron.)

the *South Angles*, and up to this day it complains that it has lacked its own King and its ancient liberty; furthermore the two Kingdoms, which had once been there, were divided into Baronies and Earldoms. (John of Wallingford, p. 541.)]

^a Wallingford's notice of these three provinces as constituting *Northumbria* is precise: and I see no reason to doubt the general authenticity of the materials employed by him, although he himself appears to have been a confused, and perhaps an ignorant writer.

Consensit in *Eadgarum* pars aquilonaris *Angliæ* ab eodem flumine *Thamisæ*, videlicet *Essexia*, *Northfolchia*, et tota *Mercia* cum schiris suis, et *Bernicia* et *Deira*—cum *Louthian*—quæ antiquitus duos Reges habebant usque ad *Castellum Puellarum*. (Wallingford, p. 543.)

[The Northern portion held with *Eadgar* from this same river, the *Thames*, to wit *Essex*, *Norfolk* and all *Mercia* with its shires and *Bernicia* and *Deira*—with *Lothian*—which in ancient times used to have two Kings as far as *Edinburgh*. (John of Wallingford, p. 543.)]

^b The rising of *Mercia* in favour of *Edgar* appears to have preceded that of *Northumbria*.

Statuerunt illum regem super omnes provincias ab *Humberæ* magno flumine usque ad flumen *Thamesim*, quo flumine amborum regnum ab invicem dirimebatur. (Osbern, *Vita Dunstani*, p. 106.)

[They made him King over all the provinces from the great river *Humber* to the river *Thames*, by which river the kingdoms of both of them were severed. (Osbern, *Life of St. Dunstan*, p. 106.)]

Part II.
NORTH-
UMBRIA.
OSLAC.

971 Ædgar assembles a council of the Thanes of Northumbria, and promulgates many "capitula" concerning the affairs of the kingdom. OSWULF being dead, Ædgar divides his Earldom into two. From the Humber to the Tees (*Deira*) is bestowed upon OSLAC, who is girt with the sword of the Earldom^a. From the Tees to "Mireforth"? (partem videlicet maritimam *Deiræ*) [to wit the part of *Deira* near the sea] is bestowed upon EADULF, surnamed *Ewelchild*. Lothian granted about the same time to Kenneth, to be held by homage. (Wallingford, p. 544. See above, pp. 398, 399.)

975 OSLAC the "great Earl" banished about this time.

975 { Death of Ædgar, in the 19th year of his reign over Northumbria^b.
Accession of Æthelred, who assumes the style of *Æthelric* "Patricius" of the Northumbrians^c.

^a According to Sim. Dunelm. and the Chronicle, as above quoted, the appointment or accession of Oslac took place in the lifetime of Oswulf. (See also Sim. Dunelm. de Gestis, p. 204.) Wallingford is obscure and corrupted.

^b *Edgar* is accused of having put too much trust in the Pagans who were subjected to him. In hoc tamen peccabat, quod Paganos eos qui in hac patria sub eo degebant nimis firmavit. (Hen. Hunt. p. 204.) [In this however he erred, for he made those Pagans who were dwelling under him in this country far too strong. (Henry of Huntingdon, p. 204.)]

^c The actual assumption of this title is proved by the act of foundation of Wolverhampton, A.D. decccxciv*, Indictione 7^a.

Hæc namque decreta *Sigerich*, Archiepiscopus, in placito coram Rege *Æthelredo* et *Eboracensi* Archiepiscopo, et omnibus Episcopis, Abbatibus regionis *Britanniæ* seu Senatoribus, Ducibus et populo terræ proposuimus...

Ego *Æthelredus*, Gratia Dei Rex *Anglorum* et PATRICIUS *Nordanhymbrorum*, consentiens signo sanctæ crucis subscripsi, in Olimpiade iii regni mei.

Ego *Sigerichus*, nutu Dei Archiepiscopus Metropolitanæ urbis, et *Dorobernensis* Ecclesiæ.

* In the printed text, decccxcvi, an error, as is shewn by the Indiction.

Ealdulf, Eboracensis Ecclesiæ Archiepsc.

Part II.

Ealfstanus, Lundoniensis Eccl. Epsc. Ealfegus, Wintoniensis Eccl. Epsc. Wlfsie, Scireburnensis Eccl. Epsc. Ordberht, Seolesinensis Eccl. Epsc. Ealfwold, Cridianensis Eccl. Epsc. Siegar, Fontaniensis Eccl. Epsc. Elfrich, Eccl. Epsc. Ealdred, Cornubiensis Eccl. Epsc. Eswi, Dorcesternensis Eccl. Epsc. Ealfheah, Licedfeldensis Eccl. Epsc. Hathulf, Herefordensis Eccl. Epsc. Godwine, Hrofensis Eccl. Epsc.

NORTH-
UMBRIA.
OSLAC.

Brihtnoth, Abbas. Germanus, Floriacensis Ecclesiæ Monachus et Abbas. Cenulf, Abbas. Elfwi, Abbas. Elfric, Abbas. Elfward, Abbas. Leofric, Abbas, qui et alio nomine Ethelnoth vocatur. Ælfwine, Abbas. Ethelric, Abbas. Briththelm, Abbas. Wlfric, Abbas.

Wlfsie, Diaconus. Ealfward, Diaconus.

Leofwine, Dux. Ethelweard, Dux. Elfric, Dux. Leofsie, Dux. Elfhelm, Dux Transhumbrance gentis. Ethelmer, Comes.

Wlfgat, Min. Wlfheah, Min. Ethelric, Min. Ethelnoth, Min. Ethelweard, Min. (Mon. VI. 1446.)

[For these decrees, we, *Sigeric*, Archbishop, have offered for acceptance, in a court in the presence of King *Æthelred* and the Archbishop of *York* and all the Bishops, Abbots of the kingdom of *Britain* and Senators, Dukes and people of the land...

I, *Æthelred*, by the grace of God King of the *English* and *PATRICIUS* of the *Northumbrians*, have consented and have subscribed with the sign of the Holy Cross in the third Olympiad of my reign.

I, *Sigeric*, by the will of God Archbishop of the Metropolitan city and of the Church of *Canterbury*.

Ealdwulf, Archbishop of the Church of *York*.

Ælfstan, Bishop of the Church of *London*. *Ælfheah*, Bishop of the Church of *Winchester*. *Wulfsige*, Bishop of the Church of *Sherborne*. *Ordbeorht*, Bishop of the Church of *Selsey*. *Ælfweald*, Bishop of the Church of *Crediton*. *Sigegar*, Bishop of the Church of *Wells*. *Elfric*, Bishop of the Church of [*Ramsbury*]. *Ealdred*, Bishop of the Church of *Cornwall*. *Æscwig*, Bishop of the Church of *Dorchester*. *Ælfheah*, Bishop of the Church of *Lichfield*. *Æthelwulf*, Bishop of the Church of *Hereford*. *Godwine*, Bishop of the Church of *Rochester*.

Brihtnoth, Abbot. *Germanus*, Monk and Abbot of the Church of *Fleury*. *Kenulf*, Abbot. *Ælfwig*, Abbot. *Elfric*, Abbot. *Ælfweard*, Abbot. *Leofric*, Abbot, who is also called

Part II.
NORTH-
UMBRIA.

WALTHEOF I.
UCHTRED.

WALTHEOF, the Elder, Earl of *Bernicia*, or *Northumbria*^a.

UCHTRED appointed Earl by Æthelrēd, who bestows upon him the Earldom of his father WALTHEOF, then still living, and adds thereto the Earldom of *Deira*, or *York*^b—marries *Elfgiva*^c, daughter of Æthelrēd.

993 Danes ravage *Lindesay* and *Northumbria*—*Frana*, *Frihogast* and *Godwin*, who appear to have been either Northumbrian or Mercian Ealdormen, but of Danish descent, betray their trust.

1013 Earl UCHTRED^d and the Northumbrians submit to SWEYNE, who exercises the royal authority in SWEYNE *Northumbria*, *Lindesay*, the *Five Burghs*, &c.

1016 *Northumbria* occupied by CANUTE, upon the division CANUTE of the Empire between him and EDMUND Ironside.

Earl UCHTRED submits to Canute^e, takes the oath Canut

by another name, *Æthelnoth*. *Ælfwine*, Abbot. *Æthelric*, Abbot. *Brihtelm*, Abbot. *Wulfic*, Abbot.

Wulfsige, Deacon. *Ælfweard*, Deacon.

Leofwine, Duke. *Æthelweard*, Duke. *Ælfric*, Duke. *Leofsige*, Duke. *Ælfhelm*, Duke of the people across the *Humber*. *Æthelmær*, Earl.

Wulfgeat, Ealdorman. *Wulfheah*, Ealdorman. *Æthelric*, Ealdorman. *Æthelnoth*, Ealdorman. *Æthelweard*, Ealdorman. (Mon. VI. 1446).]

^a The period of *Waltheof's* accession is uncertain. According to Sim. Dunelm. he succeeded *Oswulf* and *Oslac*. For his genealogy, see Pedigree.

^b So that he was said to be possessed of two Earldoms, *York* and *Northumbria*. (Sim. Dunelm. de Successione.)

^c Wallingford, p. 546.

^d Comes *Anglicus*, sed *Danici* subditus. (Scotichron. 247.)

[An *English* Earl, but subject to the *Danes*. (Fordun, p. 247.)]

^e Comes vero *Uthredus* domum festinanter rediit, et, necessitate compulsus, ad *Canutum* cum omnibus *Northymbrensibus* se contulit, et obsides ei dedit, et tamen ejus jussu vel permissu a *Turebrando* nobili et *Danico* viro est peremptus, et cum eo *Turke-*

of fealty, and gives pledges to him. *Thorbrand* Part II.
Hold slays *UCHTRED* by the orders of the Danish NORTH-
king. UMBRIA:

UCHTRED.

tellus Navenæ filius: quo patrato, Canutus Eiricum pro Uthredo comitem posuit. (Sim. Dunelm. de Gestis, p. 172.)

[Earl *Uhtred* returned hastily homeward and under stress of necessity betook himself to *Canute* with all the *Northumbrians*, and gave him hostages, and nevertheless, either at his command or with his connivance, he was slain by *Thurbrand*, a Danish nobleman, and with him *Thircytel*, the son of *Navena*: and when this crime had been perpetrated, *Canute* made *Eric* Earl instead of *Uhtred*. (Simeon of Durham, History of the Kings, p. 172.)]

.....His successit *Walthef* senior, qui successorem habuit filium *Uchtredum*. Is, cum regnante *Agelredo* Rex *Canutus* hostiliter invaderet *Northymbriam*, necessitate compulsus, se cum suis ad *Canutum* contulit; factoque juramento et obsidibus datis, peremptus est a quodam *Dano* prædivite *Thurebrando* cognomento *Hold*, permittente *Canuto*: in cuius locum frater ejus *Eadulf Cutel* substituitur. Reliquerat autem Comes *Uchtredus* tres filios, *Aldredum*, *Eadulfum*, *Cospatricum*, quorum duo primi Comites fuerunt *Northanhymbrorum*, alter post alterum. Tertius vero, sine comitatus honore, habuit filium *Uchtredum*, cujus filius erat *Eadulfus* cognomento *Rus*. (Sim. Dunelm. de Gestis, p. 204.)

[.....*Waltheof* the elder succeeded them, who had as his successor his son, *Uhtred*. He, when in the reign of *Agelred* King *Canute* invaded *Northumbria* with his army, under stress of necessity, betook himself with his men to *Canute*; and after taking an oath and giving hostages, he was slain by a certain wealthy *Dane*, *Thurbrand* surnamed *Hold*, with the permission of *Canute*, and his brother *Eadulf Cutel* was substituted in his place. Moreover Earl *Uhtred* had left three sons, *Aldred*, *Eadulf* and *Cospatric*, of whom the two first were earls of *Northumbria*, one after another. The third however, without the honour of the Earldom, had a son *Uhtred*, whose son was *Eadulf*, surnamed *Rus*. (Simeon of Durham, History of the Kings, p. 204.)]

A more detailed account is given in Simeon's Treatise de Successione (p. 79), in which it is stated that the Earl had refused to assist *Canute* against *Ethelred*, and was enabled to stand firm in his refusal. He yielded so far, however, as to take the oath of fealty to the Dane (de Gestis, p. 203); but after *Ethelred*'s death, being summoned to appear before *Canute*, as his lord and

Part II.
NORTH-
UMBRIA.
ERIC or IRIC.
EADULF CUDEL.

1017 *ERIC* or *IRIC*, appointed Earl of all *Northumbria* by *Canute*^a, but *EADULF CUDEL*, brother of *UCHTRED*, succeeds nevertheless to the territorial authority of his kinsman. *EADULF* cedes such rights as he possesses in *Lothian*, to the *Scots*.

ALDRED.

10.. *ALDRED*, son of *UCHTRED*, by *Ecgfrida*, the daughter of Bishop *Aldred*, succeeds to *Northumbria* on the death of *EADULF*—kills *Thorbrand*, and some time afterwards is killed himself by *Charles*, *Thorbrand's* son.

sovereign, he was assassinated in the king's hall, by the Danish soldiers, who were lying in wait for him. The appointment of Eric is twice mentioned, first on the death of Uchtred, and again on the division of England into four parts. Taking the passages together they seem to warrant the supposition that Eric was a royal Earl or Viceroy, to whom Eadulf was subordinate, in the same manner as he would have been to the King.

^a Hoc anno, Rex *Canutus* totius *Angliæ* suscepit imperium, idque in quatuor partes divisit, *West Saxoniam* sibi; *East Angliam*, *Turkillo* Comiti; *Merciam*, *Edrico* Duci; *Northumbriam*, *Irco* Comiti. Fœdus etiam cum principibus et omni populo ipse, et illi cum ipso percusserunt, et amicitiam firmam inter se juramentis stabilierunt, omnesque veteres inimicitias postponentes sedaverunt. (Flor. Wigorn.)

[In this year King *Canute* undertook the rule of the whole of *England* and divided it into four parts: *Wessex* for himself; *East Anglia* for Earl *Thurkill*; *Mercia* for Duke *Eadric*; *Northumbria* for Earl *Eric*. He also made a treaty with the nobles and all the people and they ratified a treaty with him, and with oaths established a firm reciprocal friendship, and they laid aside and settled all their old quarrels. (Florence of Worcester.)]

...primis diebus regni sui, regnum in quatuor partitus, sibi *West Saxones*, *Edrico* *Mercios*, *Turkillo* *Orientales Anglos*, *Iricio* *Northanhymbros*. (Will. Malm. de Gestis Regum, ii. 6.)

[...in the early days of his reign he divided the kingdom into four parts: for himself he retained the *West Saxons*, the *Mercians* he gave to *Eadric*, to *Thurkill* the *East Anglians*, to *Eric* the *Northumbrians*. (William of Malmesbury, Acts of the Kings, ii. 6.)]

HAR-D.

1035 HAROLD Harefoot acknowledged as King of North-umbria and Mercia^a. Part II.
NORTH-UMBRIA.

HARA-
CNU.

HARDACNUTE appointed King of the Danes (in England as well as Denmark) by Canute. (Flor. Wigorn.) ALDRED.

EADULF succeeds on the death of his brother EADULF. ALDRED, but to the prejudice of *Elfleda*, daughter of *Aldred*, who was entitled to the Earldom by hereditary right (see Table, p. 611)—ravages the Britons of *Strath Clyde*—killed by *Siward*^b.

^a 1037 *Haroldus Rex Merciorum et Northanhimbrorum*, ut per totam regnaret *Angliam*, a principibus et omni populo rex efficitur. (Flor. Wigorn.)

[1037 *Harold*, King of the *Mercians* and *Northumbrians*, was made King by the nobles and all the people, to reign over the whole of *England*. (Florence of Worcester.)]

^b The exact period of *Siward*'s accession is uncertain. The following is one of the many charters in which he appears as a member of the witenagemot.

HARTHACNUT, divina mihi irridente gratia Rex *Anglorum* et æque totius *Albionis*.

Ego *Harthacnut*, Rex totius *Britanniæ*, præfatam meam donationem cum sigillo sanctæ crucis regali stabilimento affirmavi.

Ego *Ælfgyfu*, ejusdem regis mater, hanc regalem donationem cum tropheo agiæ crucis ovanter divulgavi.

Ego *Eadsinus*, Archiepsc. triumphalem agiæ crucis tropheum huic regio muneri gaudenter impressi.

Ego *Ælfricus*, Archipræsul, hanc territoriam scedulam signo sanctæ crucis diligenter adsignare curavi.

Ego *Ælfwinus*, *Wintoniensis* Epsc. consolidavi. Ego *Beorhtwoldus*, *Wiltuniensis* Epsc. coadunavi.

Ego *Ælfweardus*, *Lundoniensis* Epsc. corroboravi. Ego *Lyfingus*, *Cridiensis* Epsc. confirmavi.

Ego *Æthelstanus*, *Herfordensis* Epsc. consigillavi. Ego *Eadnothus*, *Dorcensis* Epsc. conscripsi.

Ego *Duduco*, *Willensis* Epsc. consensi. Ego *Grimkillus*, *Australium Saxonum* Epsc. condixi.

Ego *Wulfsinus*, *Licetfeldensis* Epsc. conclusi. Ego *Brihtwinus*, *Scirburnensis* Epsc. commodum duxi.

Ego GODWINE, Dux. Ego LEOFRIC, Dux. Ego SIWERD, Dux. Ego THURIG, Dux.

Part II.
NORTH-
UMBRIA.
SIWARD.

1042 *SIWARD* becomes Earl of *Northumbria* about this time—under the supremacy of *HARDACNUTE*—

Ego *Ælfwine*, Abb. Ego *Æthelwerd*, Abb. Ego *Siwerd*, Abb. Ego *Leofsige*, Abb. Ego *Æthelstan*, Abb. Ego *Ælfstan*, Abb.

Ego *Osgod*, Min. Ego *Ordgar*, Min. Ego *Thurgils*, Min. Ego *Odda*, Min. Ego *Brihtric*, Min. Ego *Carl*, Min. Ego *Atser*, Min. Ego *Thured*, Min. Ego *Ælfstan*, Min. Ego *Bryxsige*, Min. (Museum Charters, 73 C 8.)¹

[*HARTHACNUT*, by the grace of God favouring me, King of the *English* and equally of the whole of *Albion*.

I, *Harthacnut*, King of the whole of *Britain*, have affirmed with royal sanction my aforesaid donation with the seal of the holy cross.

I, *Ælfgyfu*, mother of this same King, have joyfully announced this royal donation with the trophy of the holy cross.

I, *Eadsige*, Archbishop, have joyfully impressed the triumphal trophy of the holy cross on this royal gift.

I, *Ælfric*, Archbishop, have been careful diligently to sign this land charter with the sign of the holy cross.

I, *Ælfwine*, Bishop of *Winchester*, have affirmed it. I, *Beorhtweald*, Bishop of *Ramsbury*, have united with the rest.

I, *Ælfward*, Bishop of *London*, have corroborated it. I, *Lyfing*, Bishop of *Crediton*, have confirmed it.

I, *Æthelstan*, Bishop of *Hereford*, have signed with the others. I, *Eadnoth*, Bishop of *Dorchester*, have written with the others.

I, *Duduc*, Bishop of *Wells*, have consented thereto. I, *Grimcytel*, Bishop of the *South Saxons*, have spoken with the others.

I, *Wulfsige*, Bishop of *Lichfield*, have concluded. I, *Brihtwine*, Bishop of *Sherborne*, have thought it proper.

I, *GODWIN*, Duke. I, *LEOFRIC*, Duke. I, *SIWEARD*, Duke. I, *THURIG*, Duke.

I, *Ælfwine*, Abbot. I, *Æthelweard*, Abbot. I, *Siweard*, Abbot. I, *Leofsige*, Abbot. I, *Æthelstan*, Abbot. I, *Ealfstan*, Abbot.

I, *Osgod*, Thane. I, *Ordgar*, Thane. I, *Thurgils*, Thane. I, *Odda*, Thane. I, *Brihtric*, Thane. I, *Carl*, Thane. I, *Atser*, Thane. I, *Thured*, Thane. I, *Ælfstan*, Thane. I, *Brixsige*, Thane. (Museum Charters, 73 C 8.)]

married to *Elfleda*, daughter of *Aldred*—governs all *Northumbria* from the *Humber* to the *Tweed*^a. **NORTH-UMBRIA.**
(Sim. Dunelm. de Successione. Flor. Wigorn.) SIWARD.

- 1051 *SIWARD* assists *Edward* the Confessor against *GODWIN*.
- 1054 *SIWARD*, by the command of *Edward* the Confessor, leads a great army into *Scotland*.
- 1055 Death of *SIWARD*, who is buried in the monastery *TOSTIG*. of *Galmanho*¹, which he had founded—his Earldom given to *TOSTIG*, who takes the same, not by hereditary right, but by virtue of the King's grant^b.
- 1059 *TOSTIG* (together with the Archbishop of York, and *Ailwine*, Bishop of Durham) conducts *MALCOLM* to *Edward*^c.

^a *Eadulfus* Comes efficitur *Northymbrensiūm*, qui cum superbia extolleretur, *Britones* satis atrociter devastavit. Sed tertio post anno, cum ad *Hardecnutum* reconciliandus in pace venisset, interfectus est a *Siwardo*, qui post illum totius provincię *Northanhymbrorum*, id est, ab *Humbra* usque *Tuedam*, comitatum habuit. (Sim. Dunelm. de Gestis, p. 204.) [*Eadulf* became Earl of the *Northumbrians* and he, since he was lifted up with pride, laid waste the *Britons* with great ferocity. But three years later, when he came in peace to effect a reconciliation with *Hardecnute*, he was slain by *Siward*, who held the earldom of the whole province of *Northumbria* after him, that is from the *Humber* to the *Tweed*. (Simeon of Durham, History of the Kings, p. 204.)] The exact date of *Siward*'s accession is uncertain; but it took place before 1041, for in that year he joined the other Earls of England in punishing the disobedience of Worcester. (Flor. Wigorn.)

^b *Tosto*, *Northanhymbrorum* Comes, qui post *Siwardum*, non hereditaria successione, sed regis *Edwardi* donatione, obtinuit comitatum. (Flores Hist. p. 219.)

[*Tosti*, Earl of the *Northumbrians*, who after *Siward* obtained the earldom, not by right of hereditary succession, but as a gift from King *Edward*. (Flowers of the Histories, p. 219.)]

^c *Kinsi*, *Eboracensis* Archiepiscopus, et *Egelwinus*, *Dunelmensis* Episcopus, et *Tosti* Comes *Eboraci*, deduxerunt Regem *Malcolmum* ad Regem *Eadwardum*. (Sim. Dunelm de Gestis.)

[*Kinsi*, Archbishop of York, *Egelwin*, Bishop of Durham, and *Tosti*, Earl of York, conducted King *Malcolm* to King *Edward*. (Simeon of Durham, History of the Kings.)]

Part II.
NORTH-
UMBRIA.
TOSTIG.

- 1064 *Cospatric, Gamel*, the son of *Orm*, and *Ulf*, the son of *Dolfin*, slain.
- 1065 Nov. 30. *TOSTIG* expelled from the Earldoms of *York* and *Northumbria*^a.

^a Soon after this, all the Thanes in *Yorkshire* and in *Northumberland* gathered themselves together at *York* and outlawed their Earl, *Tostig*, slaying all such of his retainers as they could reach, both Danish and English, and took all his weapons in *York*, with gold and silver, and all his treasure that they could any where there find. They then sent after *Morcar*, son of Earl *Elgar*, and chose him for their earl. He went south with all the shire, and with *Nottinghamshire*, and *Derbyshire*, and *Lincolnshire*, till he came to *Northampton*, where his brother *Edwin* came to meet him with the men that were in his earldom. Many *Britons* also came with him. *Harold* also there met them; on whom they imposed an errand to King *Edward*, sending also messengers with him, and requesting that they might have *Morcar* for their earl. This the king granted; and sent back *Harold* to them, to *Northampton*, on the eve of St. Simon and St. Jude, and announced to them the same, and confirmed it by hand, and renewed there the laws of *Knute*. But the Northern men did much harm about *Northampton*, whilst he went on their errand; either that they slew men, and burned house and corn; or took all the cattle that they could come at; which amounted to many thousands. Many hundred men also they took, and led northward with them; so that not only that shire, but others near it, were the worse for many winters. Then Earl *Tostig* and his wife, and all they who acted with him, went south over sea with him to Earl *Baldwin*, who received them all, and they were there all the winter. (Sax. Chron. Ingram's Translation, p. 252.)

Malmesbury intimates that Harold was compelled to desist from supporting his brother, in consequence of the imposing attitude of the Northumbrians. *Tostiuvus à rege Edwardo*, post mortem *Siwardi*, *Northanimbriciæ* comitatus prælatus, pene decennio provinciæ præfuit: quo exacto, asperitate morum *Northanimbros* in rebellionem excitavit. Solitarium enim repertum ex regione fugaverunt, pro contuitu ducatus, occidendum non arbitrati: homines ejus et *Anglos* et *Danos* obtruncarunt, equos et arma, et suppellectilem omnem corradentes. Rumore ad regem delato, turbataque patria, *Haroldus* ivit obviam, ut propulsaret injuriam. *Northankimbri*, licet non inferiores numero

- 1066 The Earldoms granted or confirmed by Edward to **MORCAR**, [and **EDWIN?**] upon the request of the Thanes of *Northumbria*. The laws of *Canute* are renewed.

Part II.
NORTH-
UMBRIA.
MORCAR.
[EDWIN?]

essent, tamen quieti consulentes, factum apud eum excusant, se homines libere natos, libere educatos, nullius Ducis ferociam pati posse, a majoribus didicisse aut libertatem aut mortem. Proinde si subditos velit, *Morcarium* filium *Elgari* eis præficiat Rex, experturum quam dulciter sciant obedire, si dulciter tractati fuerint. Hæc *Haroldus* audiens, qui magis quietem patriæ quam fratris commodum attenderet, revocavit exercitum, et adito rege firmum ducatum *Morcario* constituit. *Tosti*us, infensus omnibus, cum uxore et liberis *Flandriam* abiit, ibique interim usque ad *Edwardi* obitum fuit. (ii. 13.) [*Tosti*, having been preferred to the earldom of *Northumbria* by King *Edward* after the death of *Siward*, presided over the province for nearly ten years, at the end of which term through the harshness of his character he excited the *Northumbrians* to rebellion. For finding him unattended they drove him from the district, but out of respect for his dignity they did not think proper to put him to death. They slew his men both *English* and *Danes*, appropriating his horses and arms and all his belongings. When this rumour reached the king and the country was in an uproar, *Harold* set out to avenge the wrong done him. The *Northumbrians*, although they were not inferior in numbers, nevertheless with a view to a peaceful settlement make their excuses to him for their conduct, pleading that they were free-born men, and freely brought up, and that they could not tolerate the barbarous conduct of any Duke, for they had been taught by their ancestors either to live in freedom or die. Wherefore if the King wished them to be obedient, let him appoint *Morcar*, *Elgar's* son, to rule over them, who would see how gently they could obey, if they had been gently treated. When *Harold* heard these words, as he preferred the pacification of the land rather than the advantage of his brother, he withdrew his army and, after approaching the King, settled the earldom on *Morcar*. *Tosti*, an object of hatred to all, departed with his wife and children to *Flanders* and there he remained in the meanwhile until the death of *Edward*. (William of Malmesbury, Acts of the Kings, ii. 13.)]

Edwinus et *Morcarus* erant fratres, filii *Elfgari* filii *Leofrici*. Hi comitatum *Northanhimbricæ* susceperant, et communi umbone

Part II.
NORTH-
UMBRIA.

MORCAR.

1066 *Northumbrians* refuse to acknowledge the authority of *Harold*. (Will. Malm. de Vita Wulstani, p. 253.)

pacifice tuebantur. Nam (ut prædixi) paucis diebus ante mortem regis Sancti *Edwardi*, provinciales aquilonis in rebellionem surrexerant, et *Tosti* Comitem suum expulerant, petierantque et acceperant unum e fratribus dominum, annitente *Haroldo*. Fiebant ista, ut à consciis accepimus, infenso rege, quia *Tosti* diligeret. Sed morbo invalidus, senio gravis, pene jam despectui omnibus haberi cœperat, ut dilecto auxiliari non posset. Quare, ex animi ægritudine majorem valetudinem corporis contrahens, non multo post decessit. (Will. Malm. de Gestis Regum, iii. 1.)

[*Edwin* and *Morcar* were brothers, sons of *Elfgar*, the son of *Leofric*. They had received the earldom of *Northumbria* and under their joint shield they guarded it peacefully. For (as I have said above) a few days before the death of the King, *Saint Edward*, the northern provinces rose in rebellion and drove out their Earl *Tosti*, and begged and succeeded in obtaining one of the brothers as their lord, through the offices of *Harold*. These matters, as we have heard from men with a knowledge of them, fell out greatly against the inclination of the King, because he was very fond of *Tosti*. But languid with disease and advanced in years, he had now begun to be held almost in contempt by all, so that he could not possibly aid his favourite. Wherefore in consequence of the vexation of his mind the feebleness of his body increased and he died not long afterwards. (William of Malmesbury, Acts of the Kings, iii. 1.)]

1065 Dein post festivitatem Sancti Michaelis Archangeli, quinto nonas Octobris, feria secunda, *Northimbrenses* Ministri, *Gamelbearn*, *Dunstanus* filius *Athelnethes*, *Glonieorn* filius *Heardulfi*, cum ducentis militibus Eboracum venerunt, et pro execranda nece nobilium *Northimbrensi*um ministrorum *Gospatrici*, quem regina *Eadgitha* germani sui *Tostii* causa in curia regis, quarta nocte dominicæ Nativitatis, per insidias occidi jussit, et *Gamelis* filii *Ormi*, ac *Ulfi* filii *Dolfini*, quos, anno præcedente, *Eboraci*, in camera sua, sub pacis fœdere, per insidias Comes *Tostius* occidere præcepit, necnon pro immensitate tributi, quod de tota *Northumbria* injuste acceperat, eodem die primitus illius *Danicos* huscars, *Amundum* et *Reavensuartum* de fuga retractos extra civitatis muros, ac die sequenti plusquam ducentos viros ex curialibus illius in boreali parte *Humbre* fluminis peremerunt. *Ærarium* quoque ipsius frugerunt, ac omnibus quæ illius fuerant

1066 *MORCAR* grants the Earldom of *Bernicia*, or *Northumbria* beyond the *Tyne*, to *OSWULF*, the son of **Part II.**
NORTH-UMBRIA.

MORCAR.
OSWULF.

ablati, recesserunt. Omnes dehinc fere comitatus illius in unum congregati, *Haraldo Westsaxonum* Duci, et aliis quos Rex, *Tosti* rogatu, pro pace redintegranda ad eos miserat, in *Northamptonia* occurrerunt. Ubi prius, et post apud *Oxnefordam*, die festivitatis Apostolorum *Simonis* et *Judæ*, dum *Haraldus* et alii quamplures comitem *Tostium* cum eis pacificare vellent, omnes unanimi consensu contradixerunt, ac eum, cum omnibus, qui legem iniquam statuere illum incitaverant, exlegaverunt: et post festivitatem Omnium Sanctorum cum adjutorio Comitis *Eadwini* de *Anglia Tostium* expulerunt. (Flor. Wigorn.)

[1065 Later after the festival of St. Michael the Archangel, on Monday the third of October, the *Northumbrian* Thanes, *Gamelbearn*, *Dunstan*, son of *Athelneth*, *Glonicorn*, son of *Heardulf*, with two hundred soldiers came to York, and in revenge for the death of the noble Thanes of the *Northumbrians*, *Gospatric*, whom Queen *Eadgitha* ordered to be treacherously slain for the sake of her brother *Tosti* in the King's court on the fourth night of the feast of the Nativity, and of *Gamel*, son of *Orm*, and of *Ulf*, son of *Dolfin*, whom in the preceding year Earl *Tosti* ordered to be treacherously slain at York in his own hall, although there was peace between them, and also on account of the greatness of the tribute which he had unjustly levied on the whole of *Northumbria*, on that same day they in the first place brought back in their flight his *Danish* huscarls, *Amund* and *Ravenswart*, and slew them outside the city walls, and on the following day they killed more than two hundred men from among his courtiers in the country north of the river *Humber*. They also broke into his treasury and taking everything that belonged to him, went away. Thereafter nearly all the men of that county assembled together and met *Harold*, Duke of the *West Saxons*, and the others, whom the King at *Tosti's* request had sent to them to reestablish peace, at *Northampton*. And here first and again later at *Oxford*, on the day of the Feast of the Apostles *Simon* and *Jude*, when *Harold* and several others wished to make peace between them and Earl *Tosti*, they all with unanimous consent refused the proposals and outlawed him and all those who had urged him to institute this iniquitous law. And after the festival of All Saints, with the aid of Earl *Edwin*, they drove *Tosti* out of *England*. (Florence of Worcester.)]

Part II.
NORTH-
UMBRIA.

MORCAR.
OSWULF.

Earl *EADULF*. *MORCAR* imprisoned by *William* the Conqueror, and the Earldom of *OSWULF* given by the King to *COPSI*^a, an adherent or ally of *Tostig*.

COPSI.

March.—*COPSI* slain by *OSWULF*, having held the Earldom during five weeks.

OSWULF killed in the following autumn.

COSPATRIC.

1067 *COSPATRIC*, son of *Algitha*, daughter of Earl *UCHTRED*, and claiming to be entitled to the Earldom by hereditary right, obtains livery thereof, by payment of large sums of money to *William* the Conqueror^b.

ROBERT COMYN.

1069 *William* gives the Earldom of *Northumberland* to *ROBERT COMYN*, but he is slain at Durham¹. *Edgar Atheling* advances as far as York. The inhabitants submit to him.

^a Hic idem *Copsi* postea, quamvis brevi tempore, provinciae *Northanimbriorum*, scilicet illorum qui ad septentrionalem plagam fluminis *Tini* habitant, jubente *Willielmo* rege, Procurator est factus. (Sim. Dunelm. Hist. Dunelm. iii. 14.)

[By the order of King *William* this same *Copsi* was afterwards made Procurator, although only for a short time, of the province of the *Northumbrians*—to wit of those who dwell in the country to the north of the river *Tyne*. (Simeon of Durham, History of Durham, iii. 14.)]

^b Quo mortuo, *Cospatricus* filius *Maldredi* filii *Crinani*, *Willielmum* Regem adiens, multa emptum pecunia adeptus est Comitatum *Northymbrensiū*. Nam ex materno sanguine attinebat ad eum honor illius Comitatus. Erat enim ex matre *Algitha*, filia *Uchtrede* Comititis, quam habuit ex *Algiva* filia *Agefredi* Regis. Hanc *Algitham* pater dedit in conjugium *Maldredo* filio *Crinani*. (Sim. Dunelm. de Gestis, p. 205.)

[After his death *Cospatric*, the son of *Maldred*, the son of *Crinan*, approaching King *William*, paid a large sum of money and acquired the Earldom of the *Northumbrians*. For by his maternal descent the honour of that Earldom belonged to him. For his mother was *Algitha*, daughter of Earl *Uchtred*, whom he had by *Algiva* the daughter of King *Agefred*. Her father gave this *Algitha* in marriage to *Maldred*, the son of *Crinan*. (Simeon of Durham, History of the Kings, p. 205.)]

- 1069 Earl *COSPATRIC* resists the Northmen. *North-* **Part II.**
umbria dreadfully wasted by the Conqueror. The **NORTH-**
 whole country between York and Durham entirely **UMBRIA.**
 desolated.
- 1072 *Cospatric* deposed by the Conqueror (see below, p. 631). **WALTHEOF II.**
WALTHEOF, who was the son of Earl *SIWARD*,
 by *Elfleda*, daughter of Earl *ALDRED*, succeeds
 to the Earldoms of *Yorkshire* and of *Northumbria*,
 to which he was entitled, both through his father and
 his mother^a (et cum *Elfleda* esset comitissa, quoniam
 erat filia *Aldredi* comitis, &c. (Sim. Dunelm p. 82)
 [and because *Elfleda* was Countess, since she was a
 daughter of Earl *Aldred*].
- 1073 *WALTHEOF* revenges the death of his grandfather
ALDRED, by killing the sons of *Charles*, in a
 banquet at *Seterington*^b.

^a Waltheof held the Earldom, "sicut ipsius *Waltheofi* avus, scilicet, Comes *Aldredus*" (Sim. Dunelm. de Successione, p. 82) [just as *Waltheof's* grandfather, to wit the Earl *Aldred*, had held it" (Simeon of Durham, Of the Succession, p. 82)].

Walthevus Comitatum *Northumbriæ* et *Eboracensis* provinciæ possidebat. (Vita S. *Walthevi* Abb. p. 250.) [*Waltheof* possessed the Earldom of *Northumbria* and of the province of *York*. (Life of St. *Waltheof* the Abbot, p. 250.)]

^b Interjecto tempore, nepos *Aldredi* Comititis, Comes *Waltheof*, erat enim filius filiæ illius, missa multa juvenum manu, avi sui interfectionem gravissima clade vindicavit. Erant namque filii *Carl* convivantes in domo fratris sui majoris, in *Seteringetun*, non longe ab *Eboraco*, quos inopinate qui missi fuerant præoccupantes, sæva clade simul peremerunt præter *Cnutonem*, cui pro insita illi bonitate vitam permiserunt. *Sumerlede*, qui usque hodie superest, ibi non aderat. (Sim. Dunelm. de Successione, p. 82.)

[Some time afterwards, Earl *Waltheof*, the grandson of Earl *Aldred* (for he was the son of his daughter), despatched a large band of youths and took revenge for the murder of his grandfather in a grievous slaughter. For the sons of *Carl* were revelling in the house of their elder brother at *Settrington*, not far from *York*, and those who were sent fell on them unawares and destroyed them all in a cruel slaughter with the exception of *Canute*, whose life they spared because of his inherent goodness.

- Part II.** 1075 *WALTHEOF* beheaded by the command of *William*
NORTH- the Conqueror. Bishop *WALCHER* appointed to
UMBRIA. govern the Earldom^a.
WALTHEOF II.
- 1080 Bishop *WALCHER* killed by the Northumbrians,
 May 14.
- ALBERIC.* 1080 *ALBERIC* appointed Earl of *Northumbria*—resigns
 from incapacity. (Sim. Dunelm. p. 205.)
- ROBERT de* 1081 Earldom of *Northumbria* given to *ROBERT DE*
MOUBRAY. *MOUBRAY.*

North and
South Burton.
Puch. Adda.

NORTH AND SOUTH BURTON.

- 686 *Puch*, Comes, or "Gesith" of *North Burton*, and *Adda*,
 Comes or "Gesith" of *South Burton*, about this
 time^b. (Bede, iv. 4.)

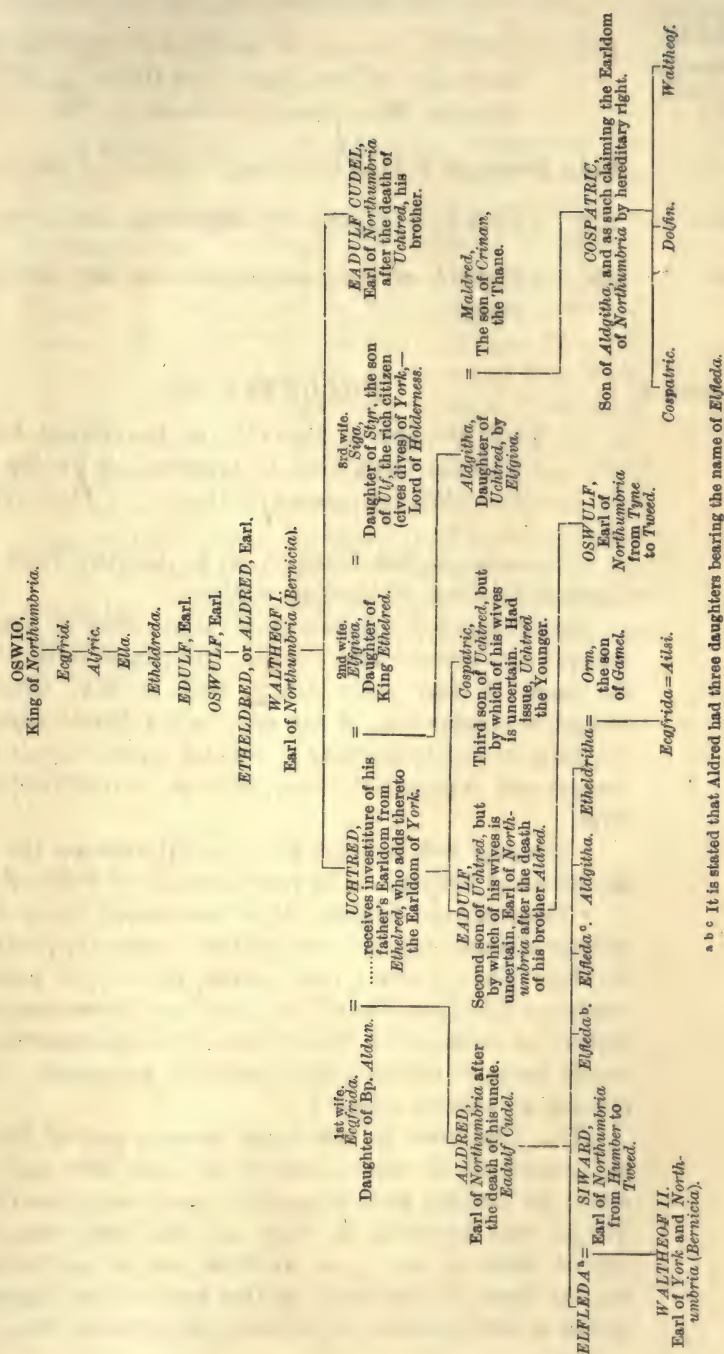
Sumerlede, who is still living, was not present [at the banquet].
 (Simeon of Durham, Of the Succession, p. 82.)]

^a Rather as a Regent, than as Earl, "commissa est cura comitatus *Walchero* Episcopo" (Sim. Dunelm. p. 205) [the care of the earldom was entrusted to Bishop *Walcher* (Simeon of Durham, p. 205)].

^b Bede describes these individuals as "Comites," but Alfred did not consider the term in this instance as implying a title of dignity, for in such case he would have designated them as "Ealdormen." That they were possessors of North and South Burton, rests upon the authority of the Muniments of the Minster, and the ancient Life of St. John of Beverley. (See Smith's Note to the passage above quoted, and Leland, Coll. III. 100.)

[In the accompanying genealogy, the descent of *Waltheof I.* from *Oswio* is given on the authority of an ancient collection of historical excerpts relating to Northumbria (Bib. Cott. Claudius D vii) transcribed in the fourteenth century. Like all ancient genealogies, it may be liable to doubts. The subsequent descents rest upon the authority of Simeon of Durham.]

GENEALOGY OF THE EARLS OF NORTHUMBRIA¹.



Part II.

NORTH-
UMBRIA.

Bamborough
(*Bernicia* ?)
ALDRED.

BAMBOROUGH. (*BERNICIA*?)

- 912 *ALDRED*, the son of *EADULF*, expelled from his territories by the Danes (see above, p. 587). (Sim. Dunelm. Hist. Sancti Cuthberti, p. 79.)
- EADULF.* 914 Death of *EADULF*, King or Ruler of *Bamborough*^a.
- ALDWULF.* 926 *ALDWULF* expelled by *Æthelstane* (see above, p. 369).
- ALDRED.* 926 *ALDRED* of *Bamborough* becomes the Man of *Æthelstane*^b.

Holdernesse?*HOLDERNESSE*?

ULF.

ULF, the son of *Thorald*, the munificent benefactor of York Cathedral, is described as having ruled in the "Western parts of *Deira*^c." This "Consul et

^a According to Ethelwerd (iv. 4) he died two years after the death of Ethelred, Ealdorman of Mercia.

Biennii quippe transeunte statu, obiit *Athulf* in *Northymbriis* oris qui tum præerat actori oppida *Bebanburgh* conducti. [After the lapse of two years *Athulf*, who at that time was in charge, as commander, of the town called *Bamborough*, died in the parts of *Northumberland*.] But the chronology of this very obscure and enigmatical writer offers as many difficulties as his style.

^b See page 368 in which he is ranked amongst the Kings of the Island of Britain. Is he not the father of *Waltheof*?

^c Dominabatur *Ulphus* ille in occidentali parte *Deiræ*, et propter altercationem filiorum suorum seniores et juniores super dominiis post mortem, mox omnes fecit æque pares. Nam indilatum Eboracum divertit, et cornu¹ quo bibere consuevit vino replevit, et coram altare, Deo et beato *Petro* Apostolorum principi, omnes terras et redditus, flexis genibus, propinavit. (Camden, quoting an ancient author.)

[This *Ulph* used to rule in the western part of *Deira*; and on account of the contentions of his sons, elder and younger, about the lordship after his death, he soon made them all equal. For he went forthwith to York and filled with wine the horn out of which he was wont to drink and before the altar, on bended knee, he delivered to God and to the Blessed *Peter*, prince of the Apostles, all his lands and revenue from them.]

insignis Comes" [Consul and distinguished Earl], **Part II.**
however, had many possessions in Holderness, and **NORTH-**
other parts of the shire. **UMBRIA**

ULF.

The Chronicles do not enable us to ascertain the dominions held by the other chieftains, who are noticed in the disturbed annals of Northumbria. Tradition has preserved the memory of *Wada*. His stronghold is supposed to have stood near Whitby. "Afterwards he fell into a distemper "which killed him, and was interred here, on a hill "between two solid rocks, about seven feet high, "which being at twelve feet distance from each "other, occasions a current opinion, that he was "of a giant-like stature." (Gibson's Camden, 907.)

As is so frequently the case, the popular tale seems to have united the memory of a real chieftain to the fictions of a hero of romance. *Wade* the giant is a distinguished character in that most curious assemblage of Northern traditions, the *Hniflunga Saga*.

Part II.

STRATH
CLYDE,
&c.STRATH CLYDE, CUMBRIA, and the
NORTHERN BRITONS^a.

- ? CUNEDDA WLEDIG^b, in *Gododin*.—*Eneon Urdd*
[his son?], King of *Cumbria*.
—? TUDWAL, or TOTAIL^b,—descended from *Maxi-*
mus.

^a Various opinions have been formed as to the extent of the kingdom of Strath Clyde¹. Pinkerton limits it to the shires of Dumbarton, Renfrew, and Lanark. (*Enquiry*, Vol. II. p. 81.) Ritson adds Kyle, Cunningham and Stirling. Chalmers extends the North-Cumbria, or Strath Clyde, from the Kirshope, the Eden, and the Solway on the south, to the Upper Forth and Loch Lomond on the north; and from the Irish Sea and Firth of Clyde, which washed its western shores, it ranged eastward to the limits of the Merse and Lothian. (*Caledonia*, I. 237.) This description includes Galloway, or the country of the Southern Picts; but this, though it may have been sometimes subjected to Strath Clyde, was a distinct realm. Ecclesiastical divisions furnish the surest clue to ancient geography; and Galloway, which constituted the Bishopric of Whithern, or Candida Casa, was not annexed to Glasgow till the extinction of the former see. The “*inquisitio Davidis*,”² taken in 1118, but adopting the language of a much earlier period, describes Cumbria as “*sita inter Angliam et Scotiam*” [situated between *England* and *Scotland*], being nearly the expression employed by Adamnan in his life of St. Columba (c. 11). But this “*Anglia*” is the country called also *Saxonia* in the earliest Scottish Chronicle, not England, but the Lothians. And the position of Clydesdale between Lothian on the one side, and Kintyre and Argyle (probably the *Scotia Nova* of the biographer of St. Cadrœ) on the other, is sufficient to warrant the general assertions of the ancient writers, whose notions of geography were very loose and inaccurate; it is a hopeless task to attempt to extract any precise topography from the works of those who never saw a map. Malmesbury describes Dover as being on the mouth of the river Thames. *Southern Cumbria* appears to have included modern Cumberland, Westmorland, Lancashire, and part of Yorkshire. Leeds was the frontier town between the British and Anglo-Danish territories. (*Vita Sancti Cadrœ*, cap. ii.)

^b According to a manuscript quoted by Mr. Gunn, in his

- 487 In this year *St. Donnan*, who was afterwards killed **Part II.**
in the Island of *Egg*, is said to have visited the **STRATH**
"Brittano-hiberni" [the Britons of Ireland]. (*Acta* **CLYDE,**
Sanct. Aprilis II. p. 487.) **&c.**

—? [URIEN.]

- 520 NAU, CAU, or CAUNUS, King of *Alchuyd*, the father
of *St. Gildas*, about this time.

—? HOEL, or CUILLUS, his son, succeeds him in the
kingdom.

- 547 Battle of *Cattraith*—about which time *Gododin* or
Lothian is supposed to have been won by the
Saxons.

- 561 RODARCHUS, or RHYDDERICH *Hael*^a, the "Mu-
nificent," descendant of TUDWAL, reigned about
this time.

—? MORKEN, King or Tyrant of *Cumbria*^b.

valuable edition of Nennius (p. 120), *Cunedda* lived towards the
close of the fourth century. *Tudwal* acts a prominent part in
the life or legend of *St. Ninian*, by Ailred, Abbot of Rievaulx.
He was one of the many kings who then reigned in Britain.—
Whithern, or Candida Casa, was within his dominions, and the
description of the territory which he governed seems to show
that he ruled Galloway, together with Strath Clyde.

^a The notices concerning the life of this monarch are deduced
from two very discordant sources—the legends of *St. Kentigern*,
and the traditions or fables of the bards. *Rhydderch*, *ap Tudwal-
Tuglud*, *ap Cedig*, *ap Dyfnal Hen*, *ap Ednyfed*, *ap Maxen* (Llwyd,
Eræ Cambrobr. p. 142) will be recollected as the contemporary
and kinsman of Merlin the Wild. (See Scott's *Sir Tristram*.) That
he is the *Rhydderch* of the legend appears from the mention of
Lailocen, the demented Seer. But, according to that prediction,
he was married to *Langwrith*, who may have been his wife before,
or after, or at the same time with, the lady of the romantic tale.
He is one of the four British kings who were engaged in war with
Adda of Bernicia and his successors. *Urien* is placed after
Rhydderch by the British antiquarians, and *Gwenllïog* and *Morgant*
are thought to have reigned near the Clyde. It is possible that
they all reigned contemporaneously.

^b Quidam Tyrannus, vocabulo *Morken*, *Cumbrensis* Regni
solium ascenderat, &c. [A certain King by name *Morken* had

Part II.
STRATH
CLYDE,
&c.

- ? URIEN, King of *Cumbria*, and Lord of *Reged*.
—? *Gwenlliog*.
—? *Morgant*.
—? *LLYWARCH HËN*, Prince of *Argoed*.
—? ENEON BRENNIN^a, a great prince in the North.

[The preceding period is extremely obscure, and the succession of the monarchs is most dubious; the following may be considered as resting upon better historical evidence.]

- 625 *CERDIC*, King or Prince of *Elmet*, a territory apparently dependent upon *Cumbria*—expelled from his dominions by *Edwin*, about this time^b.
642 *OWEN*, or *HOAN*, King of the Britons, kills *Donald Brec*, King of *Albania*^c.
657 *GUREIT*, King of *Strath Clyde*, dies^d.

ascended the throne of the Kingdom of *Cumbria* (Life of St. Kentigern by Joscelyn, ch. 21.)] In his reign the bishopric of Glasgow was founded by Kentigern. He is stated to have died at *Thorp-Morken*. Ritson¹ exclaims against this Saxon name—but is it not one of the proofs that some Teutonic population had already settled in the North?

^a According to Wynne's *Caradoc*, he was the son of Owen Danwyn, the son of Eneon Urdd.

^b *Hereric*, the "nepos" of Edwin, when an exile, was harboured in the dominions of "*Cerdic, Rex Britonum*" (Beda, iv. 23) [*Cerdic*, King of the Britons]. Perhaps this circumstance indicates the cause of the war which led to *Cerdic*'s expulsion. The conquest of *Elmet* is only noticed by the genealogist (see above, p. 565, Note a), whose obscure paragraph is singularly confirmed by the casual hint of Bede.

^c Ann. Ulton. p. 49. Domhnall Brece, according to Cumminius, de Virtutibus S. Columbæ, was the "nepos" of Aidan.

^d *Mors Gureit Regis Alocluaithe—Domhnall Mac Ainu Rex Alocluate moritur*.

Bile Mac Eilpin Rex Alocluate moritur. (Ann. Ulton. pp. 53, 65, 77.)

[The death of *Gureit*, King of *Alclyde*—*Domhnall Mac Ainu* (or *Avin*), King of *Alclyde*, dies.

Bile Mac Alpin, King of *Alclyde*, dies. (Annals of Ulster, pp. 53, 65, 77.)]

685 About this time, *Ecgfrid* of *Northumbria*, having **Part II.**
acquired the dominion of *Cumbria*, grants *Carlisle* **STRATH**
and other territories to *St. Cuthbert* (see above, **CLYDE,**
p. 572). **&c.**

—? [*OWEN*, or *AINU*, King of *Strath Clyde*.]

694 *DONALD I.* King of *Strath Clyde*, son of *Owen*, dies^a.

—? [*ELPHIN*, son of *Gwythno*, King of *Strath Clyde*.]

710} Battles between the Britons and the “*Dalriads*,” in
766} which the former are conquered. (Ann. Ulton.)

722 *BILE*, son of *ELPHIN*, King of *Strath Clyde*, dies^a.

749 A great battle between the Picts and the Britons.
(Ann. Ulton.)

750 *Kyle* reduced by *EADBERT*, King of *Northumbria*.
(Bede, v. App. p. 224.)

756 Aug. 1.—*Alclud* besieged by *EADBERT*, King of
Northumbria, and *Unnust*, King of the Picts—
Britons surrender.

843} *KU* or *CAW*, King of the Britons of *Strath Clyde*.
859}

866} Britons stated to have been expelled by the Saxons
870} (the place is not mentioned) and *CONSTANTINE*,
their king, killed^b. About this time the *Strath*
Clyde Britons are said to have established a colony
in *Cumbria*.

870 *Alclud* destroyed by *Olave* and *Ingwar*, who ravage
the country.

871} *ARTGHA*, King of the Britons of *Strath Clyde*, killed
872} by *CONSTANTINE II.* son of *KENNETH*, and
King of the *Scots* and *Picts*.

882} *EOCHA*, the son of *RUN*, becomes King of the
893} *Scots*^c.

^a See Note d on p. 616.

^b From Wynne's *Caradoc* and *Llwyd*.

^c *Eochodius filius Run Regis Brittanorum, nepos Cinaedi*
ex filia, regnavit annos undecim. (Chron. Pict.)

[*Eochadh*, son of *Run*, King of the Britons, grandson of
Cinaeth by his daughter, reigned for eleven years. (Chronicles
of the Picts.)]

Part II.
STRATH
CLYDE,
&c.

- 900 DONALD II., King of the Britons of *Strath Clyde*.
- 908 DONALD III., the son of *Aodh*, the Fair Haired, son of *Kenneth*, and brother of *CONSTANTINE III.* King of *Scots*, chosen King of the Britons of *Strath Clyde*^a.
- 920) *EOCHA*, *OWEN*, or *EUGENIUS*, Tanaist, or heir
921) apparent of the Scots, appointed King of *Cumbria*, by *CONSTANTINE*, who enacts that the Kingdom of *Cumbria* shall be held by the Tanaist for the time being, and surrendered when he succeeds to the crown^b.
- 920) The King of the Britons of *Strath Clyde* [*EUGENIUS*?]
921) becomes the man of *Edward* the Elder, who enjoys the title of King or Ruler of the Britons (see above, p. 358). This date is preferable to 924, as given in some of the Chronicles.
- 935 *EUGENIUS*, or *OWEN*, King of the Cumbrians, defeated by *Athelstane*. (See above, p. 375.)

^a Et mortui sunt *Dovenaldus*, Rex *Britannorum* (et *Duvenaldus* filius *Ed* Rex eligitur) et *Flande* filius *Mael*, &c. (Chron. Pict.)

[And *Dovenald*, King of the Britons (and *Dovenald* the son of *Ed* is chosen King), and *Flande*, the son of *Mael*, died. (Chronicles of the Picts.)]

^b *Constantinus* autem, regni sui anno decimo sexto, dedit *Eugenio* filio *Donaldi*, proximo sibi successori sperato, regendum *Cumbriae* regionis dominium, usquequo regni diadema post ejus mortem fuerit obtentus, ac, eo rege coronato, suus heres proximus ad idem succedat dominium; et sic ab herede semper in regem coronato, statim suo successori proximo dominium, hujusmodi successionis ritu, deinceps transferatur. (Scotichron. i. 200.)

[Now *Constantine* in the sixteenth year of his reign, granted to *Owen*, the son of *Donald*, his expected next successor, the rule and lordship of the province of *Cumbria*, until he should, on *Constantine*'s death, obtain the diadem of the realm, and on his being crowned king, his next heir was to succeed to the same lordship; and thus the lordship should successively be always transferred to the successor immediately next to him by the heir who had been crowned King, according to the precedent of such succession. (Fordun, i. 200.)]

937] *EUGENIUS*, King of Cumbria^a, again defeated by **Part II.**
 938] *Athelstane*, together with the King of the Scots, **STRATH**
 &c. in the great battle of *Brunnaburgh*. **CLYDE,**
 &c.

945 *DONALDIV.*, or *DUNMHAIL*, the son of *EUGENIUS*, expelled from Cumbria by *Edmund* (see above, p. 379). The kingdom granted by the victor to *MALCOLM I.* King of Scots, upon condition of military service. *MALCOLM* makes a subinfeudation thereof to *INDULF*, afterwards King of Scots^b. (See above, p. 380.)

945 The King of the Cumbrians^c takes the oath of fealty to *Edred* upon his accession.

953 *INDULF* having succeeded to the crown of the Scots, the kingdom of *Cumbria* devolves upon *DUFF*, eldest son of *MALCOLM I.*, and Tanaist of the Scots. He performs the "accustomed" homage to *Edred* (see above, p. 384) and continues King of Cumbria, until his accession to the crown of the Scots.

^a *EUGENIUS* Rex *Cumbrorum* (Sim. Dunelm.) [*OWEN*, King of the *Cumbrians*]. He is also called *Ewin* and *Oswin*. (See above, p. 371.)

^b 974 *Domhnall Mac Eoghain Ri Breatan in ailitri mortuus est.*—*Donaldus filius Eoganii Rex Britonum* in peregrinatione mortuus est. (Ann. Ulton. SS. Rer. Hib. IV. 280.)

[974 *Donald*, son of *Owen*, King of the *Britons*, died in pilgrimage. (Annals of Ulster, in Writers of Irish History, IV. 280.)]

975 *Cumd, m. Domhnall Mac Eocain Ri Bretain, &c. Donaldus, filius Hoani Rex Britonum*, mortuus est in peregrinatione. (Tig. SS. Rer. Hib. II. 259.)

[975 *Donald*, son of *Owen*, King of the *Britons*, died in pilgrimage. (Tighernach, in Writers of Irish History, II. 259.)]

This *Donald* is evidently the *Dunwallon*, Prince of Strath Clyde, who went in pilgrimage to Rome—(Wynne's *Caradoc*, 64, Llwyd, 41, 87), and the passages, taken together, prove the important fact, that the King of Cumbria, expelled by *Edmund*, with the aid of *Llewellyn*, was the Scoto-British Prince, the son of *Eugenius*.

^c In Flores Hist. (see above, p. 382) his name is not mentioned. Fordun (see above, p. 380) says that *Malcolm* performed homage by *Indulf*.

Part II.
STRATH
CLYDE,
&c.

970 *ANDERACH*, a King of the Britons of the North about this time^a.

970 *MALCOLM II.*, son of *DUFF*, and Tanaist of the Scots, admitted as King of *Cumbria* by *Edgar*, to whom he performs homage (see above, p. 401), attends the court of *Edgar* as one of the "Primates Regni" [Chief men of the Kingdom]. *Edgar* claims the supremacy of the "Cumbrian sceptre." (See above, p. 392.)

^a He was the son of Donald—but it is difficult to point out his father amongst the many who bear that name, nor is it certain that he was the King of Strath Clyde, though he probably held part of the kingdom. Culen, King of Scots, was his contemporary, and slain by him in battle.

Culen Mac Indulf.....interfectus ab *Andarch* fil. *Dovenald* propter filiam suam, in *Laudonia*. (Nomina Regum, &c. Innes, p. 977.)

[*Cuilean Mac Indulf*...was killed in *Lothian* by *Andarch*, son of *Donald*, because of his daughter. (Names of the Kings, &c. Innes, p. 977.)]

Culen Ring et frater ejus *Eochodius* occisi sunt a *Britonibus*. (Chron. Pict.)

[*Cuilean Ring* and his brother *Eocha* were slain by the Britons. (Chronicles of the Picts.)]

970 *Culen Mac Illuib*, *Ri Albain*, domarbh do *Bretnaib* irroscatha.—*Culenus* filius *Ildulphi* Rex *Albaniae* occisus a *Britonibus* in prælio. (Ann. Ulton. ut supra, p. 278.)

[970 *Cuilean*, the son of *Indulph*, King of *Albania*, was killed by the Britons in battle. (Annals of Ulster, p. 278.)]

In the rythmical Chronicle, the British king is named *Radhard*, and the forcible abduction of his daughter by Culen is said to have been the cause of the war.

.....vir fuit insipiens.

Fertur apud *Louias* illum truncasse *Radhardus*,

Pro rapta nata, quam sibi Rex rapuit.

[...a foolish man was he. *Radhard*, it is said, cut his head off in *Lothian*, because of the abduction of his daughter whom the King had seized for himself.]

The exact Chalmers (*Caledonia*, I. 393) has given a strange expansion to the brief notices of Culen's fate and misdeeds.

973 *MALCOLM II.* renews his homage to *Edgar* at *Part II.*
Chester. STRATH
CLYDE,
&c.

[989?] Upon the death of *MALCOLM MAC DUFF*^a,
KENNETH sends his son *MALCOLM* to *Æthelred*.
*MALCOLM III.*¹ is admitted as *Regulus* of
Cumbria upon the usual conditions.

1000 *MALCOLM III.*, King of *Cumbria*, refuses to con-
 tribute to the payment of *Danegelt*, and alleges
 that he is only bound to render military service.
 Upon his refusal *Æthelred* ravages *Cumberland*^b.
 (See above, p. 407.)

— *DUNCAN*, grandson of *MALCOLM III.*, becomes
Regulus of *Cumbria*, marries the daughter of *Earl*
Siward—refuses allegiance to *Canute*, as not being
 the legitimate or rightful King of *England*. *Canute*
 invades *Scotland*, 1033—peace concluded, upon con-
 dition that the *Regulus* of *Cumbria* shall perform
 homage to *Canute* and his successors. (See above,
 p. 416.)

^a The period of the accession of *Malcolm*, the son of *Kenneth*,
 is not given. But it was probably not long before the death
 of his father, fixed by the Scottish historians in 994. The death
 of “*Malcolm, the son of Donald,*” King of the Northern Britons,
 is stated in the *Irish Annals* to have happened in 997, *Maelcolain*
M'Domnhaill R. Bretain tuaisc. t. m. Maelcolumbanus filius
Donaldi, Rex Brittonum borealium, mortuus est [*Malcolm, son*
of Donald, King of the Northern Britons, died]. (*Tighernach.*)
 As this *Malcolm* is not mentioned elsewhere, it may be con-
 jectured that he is the same as *Malcolm*, the son of *Duff*, and
 that the year of his death is misplaced.

^b The invasion is thus told by *Florence*:—*Rex Æthelredus*
terram Cumbriorum fere totam depopulatus est. Hic suæ classi
mandavit, ut circumnavigata septentrionali Britannia, in loco
constituto sibi occurreret; sed, vi ventorum præpedita, non
potuit: insulam tamen quæ Monege dicitur, devastavit. [*King*
Æthelred laid waste almost the whole of the land of *Cumbria*.
 He ordered his fleet to meet him in an appointed place after
 sailing round the north coast of *Britain*, but as it was hampered
 by the violence of the winds, it could not: yet he laid waste
 the island which is called *Mona*.] The other *Chroniclers* are to
 the same effect.

Part II.
STRATH
CLYDE,
&c.

- 1018 [EUGENIUS CALVUS, Rex Lutinensium vel Clutinensium^a.]
1033 MALCOLM IV.¹, or CANMORE, appointed King of *Cumbria*, by his father, *Duncan*, upon the accession of the latter to the Scottish crown.
1105} About this time, "*Cumbria*" (or so much of it as was
1126} then comprehended in the Bishopric of Glasgow) was held by the "Comes" or Princeps "*DAVID*," son of *Malcolm*. (Inquest concerning the possessions of the Church, &c. See *Innes* and *Pinkerton*.)

Amongst the proofs of the subjection of Strath Clyde to the Archbishopric of York, and, as such, within the limits of the Empire of the ancient *Northumbrian* Kings (see above, p. 571, note a), are the following notices, extracted from Stubbs. (*Chronica Pontificum Eboracensium*.)

(De *Kinsio* Archiepiscopo.)

1051 Vicesimus tercius successit regis *Edwardi* capellanus, *Kinsius*. Iste *Magsuem* ad Ecclesiam *Glescuensem* ordinavit Episcopum: similiter et successorem illius *Magsuem Johannem* eidem ecclesiæ subrogatum consecravit, et ab eis cartam professionis accepit, quæ in conflagratione *Eboracensis* ecclesiæ a *Normannis* facta, cum ornamentis et libris et privilegiis et cæteris cartis combustæ sunt. (p. 1700.)

[(Of Archbishop *Kinsi*.)]

[The twenty-third in the succession was *Kinsi*, the chaplain of king *Edward*. He ordained *Magsuem* Bishop of the Church of *Glasgow*; likewise he consecrated also *John*, the successor of that *Magsuem*, as suffragan for the same church, and received from them their written professions of obedience which were burnt in the fire caused by the *Normans* in *York* cathedral, together with ornaments and books and grants and all the other charters. (*Chronicles of the Archbishops of York*, p. 1700.)].

^a So called in *Sim. Dunelm*. Perhaps he held only a part of the country.

- 1125 Quod *Thurstinus* Archiepiscopus coram Apostolico clamorem fecerit de *Johanne Glesguensi* adversus se rebellante. Part II.
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&c.

Quia vero *Johannes*, *Glesguensis* Episcopus, ibi in curia præsens erat, *Thurstinus* Archiepiscopus clamavit se de eo coram Apostolico, eo quod ipse *Johannes* in Eboracensi ecclesia sicut suffraganeus ejus electus, et per literas suas a Papa *Paschali* consecratus, postea nec propter literas ejusdem papæ *Paschalis*, neque *Kalixti*, quas ibi recitari fecit, quicquid obedientiæ vel reverentiæ ei voluit exhibere: similiter et de Episcopis *Scotiæ* conquestus est. Persuasum fuerat Papæ, *Scotiam* non esse de regno *Angliæ*, quia volebant pallium requirere Episcopo Sancti *Andreæ*, et ita Archiepiscopum ibi creari. Sed Archiepiscopus *Thurstinus* et secreto et palam in curia ostendit *Scotiam* de regno *Angliæ* esse, et regem *Scotorum* ligium hominem regis *Angliæ* esse. *Glesguensis* autem Episcopus querelæ Archiepiscopi ita respondit, se non venisse vocatum, et in legatione domini sui regis *Scotiæ* ibi esse. Decretumque est diem illi statuere, et Episcopos *Scotiæ* et absentes per literas domini Papæ summonere. (p. 1719.)

- [1125 How Archbishop *Thurstin* complained before the Pope concerning *John of Glasgow* who was rebelling against his authority.

Now since *John*, Bishop of *Glasgow*, was there present in the Court, Archbishop *Thurstin* made plaint against him before the Pope to the effect that *John*, though chosen as his suffragan in the church of York and consecrated by letters from Pope *Paschal*, subsequently refused to shew any obedience and reverence to him in compliance with the letters of this same pope *Paschal*, nor those of *Calixtus*, which he caused to be read aloud there: in the same fashion also he complained of the Bishops of *Scotland*. The Pope had been persuaded that *Scotland* was not dependent on the kingdom of *England*, because they wished to obtain a pallium for the Bishop of *St. Andrews* and so to create an Archbishop in that place. But Archbishop *Thurstin* both in private conference and openly in court shewed that *Scotland* was a dependency of the kingdom of *England* and that the King of the *Scots* was the liege man

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of the King of *England*. The Bishop of *Glasgow*, however, answered this complaint thus that he had not come in answer to a summons, but that he was there as a representative of his lord the king of *Scotland*. It was decided to appoint a day for him and to summon the Bishops of *Scotland* and the absentees by letters from the lord Pope. (id. p. 1719.)]

Canterbury contested the supremacy; and in the epistle addressed by Archbishop Ralph to Pope Calixtus, advocating his own claims against Archbishop Thurstin, he argues in support of the authority vested in the successors of St. Augustine. But without deciding between the prelates, the assertion of either metropolitan is equally in testimony of the dominion possessed by the Anglo-Saxons over the British community.

1119. At vero de *Glesguensi* breviter intimandum, quod est antiquorum *Britonum* episcopus, quos beatus pater *Gregorius* singulatim episcopo *Cantuariensi* subjectos fore decrevit. Cujus, videlicet ecclesiæ episcopus, sicut a majoribus natu illorum traditur, usque ad hæc *Normannorum* tempora, vel ab episcopo *Scotorum*, vel *Gualensium Britonum* consecrari solebat. (id. p. 1742.)

[1119. But indeed as regards *Glasgow* it must be briefly stated that he is the bishop of the ancient *Britons* whose bishops the blessed father *Gregory* decreed should be subject severally to the bishop of *Canterbury*. And the bishop of this church, as the tradition of their elders asserts, beyond doubt usually sought consecration, down to these *Norman* times, at the hands of an *Irish* or *Welsh* bishop. (Letter of Ralph, Archbishop of Canterbury, to Pope Calixtus II. id. p. 1742.)]

Interea *Girardus Eboracensis* miserrima et subita morte defungitur, et in locum ejus vir valde castus, et bene literatus, *Thomas* junior subrogatur; qui, non longe post hæc, defuncto in pace Christianissimo viro *Anselmo* Archiepiscopo, professus sanctæ et primæ Ecclesiæ *Cantuariensi* consecratus est in *Lundonia* ab ejus urbis Episcopo. Is itaque quendam *Britonem Glesguensi* ecclesiæ ordinavit episcopum, quæ jam pene præter memoriam non habuerat episcopi solatium; de quo episcopo scien-

dum, quia, sicut prædictum est, si antiquorum **Part II.**
Britonum episcopus est, secundum beati *Gregorii* **STRATH**
 decreta *Cantuariensis* ecclesiæ suffraganeus est: **CLYDE,**
 quod si forte propter provinciarum viciniam, licet **&c.**
 mutato et loco et populo, idem *Pictorum* episcopus
 debet putari, nihilominus ecclesiæ *Cantuariensi*
 suffragatur. (id. p. 1746.)¹

[Meanwhile *Gerard of York* died a sad and sudden death, and in his place a man of great purity and of ripe learning was appointed, to wit, *Thomas* the younger. And he not long afterwards, when the most Christian man, Archbishop *Anselm*, died in peace, having made his profession of obedience to the holy and chief Church of *Canterbury*, was consecrated in *London* by the Bishop of that city. He therefore ordained a certain *Briton* (Michael), bishop of the church of *Glasgow*, which almost beyond the memory of man had not enjoyed the solace of a bishop. But concerning this bishop it should be known that, as has been already said, if he is the bishop of the ancient *Britons*, according to the decrees of the blessed *Gregory* he is a suffragan of the Church of *Canterbury*, but if perchance on account of the nearness of the provinces, though place and people be changed, he is entitled to be thought the bishop of the *Picts*, he is none the less a suffragan of the church of *Canterbury*. (id. p. 1746.)]

PICTS AND SCOTS.

**PICTS
AND
SCOTS.**

574 Accession of *AIDAN*, the son of *GAVRAN*, "King of the *Scots* inhabiting *Britain*," who reigned thirty-four years^a.

603 Defeat of *AIDAN* by *Æthelfrith*. [The *Dalriads*, subject to the latter?] (See above, p. 564.)

617 *EANFRID*, and other Athelings, sons of *ÆTHELFRIITH*, take refuge amongst the *Scots*. (Bede, iii. 1.)

Edwin obtains the supremacy of the *Picts* and *Scots*.
 (See above, p. 565.)

^a Nomina Regum apud *Innes* [Names of the Kings in *Innes*, Critical Essay]. This *Aidan* is the "*Aidan Fradawg*" of the Britons. (Llwyd.)

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- 635 **Oswald** acknowledged as Bretwalda by the *Picts* and *Scots*. (See above, p. 568.)
- 642 **Oswin**, Bretwalda, rules the *Picts* and *Scots*. (See above, p. 569.)
- 656 **TALORGAN**^a, King of the *Picts*, son of **EANFRID** of Northumbria, dies.
- 685 **ECGFRID** defeated by **BRUDEI**, King of the *Picts*—the latter recover a part of their territory, which had been occupied by the Northumbrians.
- 756 **EADBERT**, in alliance with **UNNUST**, King of the *Picts*, takes the city of *Alcluyd*.
- 882 **EOCHA**, son of the King of *Strath Clyde*, by the daughter of **KENNETH MAC ALPIN**, becomes King of the *Scots*.
- 904 **CONSTANTINE III.** son of **AODH**, King of the *Scots*.
- 921 **CONSTANTINE** and the *Scots* become the vassals or men of **Edward** the Elder. (See above, p. 358.)
- 926 **CONSTANTINE** defeated by **Athelstane**, and compelled to surrender his kingdom, which is restored to him by the victor. **CONSTANTINE** becomes the vassal of **Athelstane**. (See above, p. 366.)
- 934 **Athelstane** invades the country of the *Scots*, defeats **CONSTANTINE**, who gives his son as a hostage. **Constantine** attends the court of **Athelstane**. (See above, p. 371.)
- 937 } Battle of *Brunnaburgh*. **CONSTANTINE** and his
938 } son-in-law **Anlaf**, **Aulaf**, or **Olave**, and **OWEN**, King of *Strath Clyde*, defeated by **Athelstane**. (See above, p. 375.)
- 945 *Cumbria* granted to **MALCOLM** by **Edmund**, upon condition of military service. (See above, p. 381.)

^a *Mors Tolargain Mac Ainfrid Regis Pictorum*. (Ann. Ulton. p. 53.)

[The death of *Talorgan*, son of *Ainfrid*, King of the *Picts*. (Annals of Ulster, p. 53.)]

- 946 *MALCOLM* and the *Scots* take the oath of fealty to *Ædred*. (See above, p. 382.) Part II.
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- 953 *INDULF*^a, King of *Cumbria*, succeeds to the kingdom of the *Scots*—obtains possession of *Edinburgh*, which, from henceforth, continues in possession of the *Scots*—the northern parts of *Lothian* were probably occupied by the *Scots* about the same time.
- 971 *Lothian* granted or confirmed by *Ædgar* to *KENNETH* who claimed the same as his dominion, and as belonging, by right of inheritance, to the Kings of *Scotland*. This transaction took place pursuant to the judgment of the “*Proceres*” of the court of *Ædgar*, and *KENNETH* received the Benefice or *Læn*, upon condition of performing homage, and protecting the inhabitants in the enjoyment of their laws and usages. (See above, p. 397.)
- 971 *KENNETH*, by the titles of “*Rex Scottorum*,” or “*Rex Albanicæ*,” attends the Witenagemots of *Ædgar*. (See above, p. 394.)
- 973 *KENNETH* renews his homage to *Ædgar* at *Chester*.
- 1020 *EADULF CUDEL* surrenders a further portion of *Lothian* to *MALCOLM II.*¹—probably the *Merse*. (See above, p. 600: *Sim. Dunelm.* p. 81.)
- 1033 The *Scots* rebel against *Canute*, by whom they are soon reduced to obedience.—*MALCOLM II.*, King of the *Scots*, and two other Scottish Kings or “*Reguli*,” *Maelbeth* and *Jemarch*, submit to *Canute*. (See above, p. 415.)
- 1054 *MALCOLM III.*² restored to the kingdom of the *Scots* by the command and assistance of *Edward* the Confessor (see above, p. 424), to whose dominion the *Scots* are subjected^b.

^a *Indulfus* tenuit Regnum octo annis; in hujus tempore oppidum *Eden* vacuatum est, ac relictum est *Scottis*, usque in hodiernum diem. (*Chron. Pict.*)

[*Indulf* held the kingdom for eight years; in his time the town of *Eden* was evacuated and abandoned to the *Scots* even to this day. (*Chronicles of the Picts.*)]

^b That *Edward*’s authority over the *Scots* was considered as

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1068 *MALCOLM III.* about this time marries *Margaret*, grand-daughter of *EDMUND Ironside*, and, ultimately, legitimate heiress to the rights of the *Anglo-Saxon* crown. He had been betrothed to her in the lifetime of the Confessor, and, as her dowry, had received a confirmation of *Lothian*. (See below, p. 637.)

1068 } *MALCOLM III.*, King of the *Scots*, refuses his
1069 } obedience to *William* the Conqueror, who deposes his son, *Robert*, to enforce the submission which was due to him. The military tenants of *England* are summoned, amongst whom is *Adelelm*, Abbot of *Abingdon*, and *William* instructs his son to offer peace or war. Peace, in case of obedience—war, if the *Scots* should refuse. The King of *Scots* meets the *English* forces in *Lothian*, and acknowledges that the dominion of *Scotland* is subject to the crown of *England*^a.

adding greatly to his glory, may be ascertained from the ode or elegy upon his death, published, for the first time, by Mr. Ingram, in his valuable edition of the *Anglo-Saxon Chronicle*.

Her Eadward Cyng,
Engla hlaforð,
Sende soþfæste
Sawle to Criste.

Here *Edward* King,
Lord of the Angles,
Yielded up his steadfast
Soul to Christ.

And he,—hælotid!
Hælepa wealdend,
Weold wel gefungen
Walum and *Scottum*,
And Bryttum eac,
Byre *Æselredes*.

And he,—a prosperous time!
Exalted Ruler
Of Heroes, swayed
Welsh and *Scots*,
And Britons eke,
Son of *Ethelred*!

^a This important transaction, which is related with great obscurity by *Ordericus Vitalis* (p. 511), is told clearly and distinctly in the *Book of Abingdon*. In consequence of the abbot being personally present, the compiler of that most authentic and valuable volume was, without doubt, better acquainted with the circumstances than other writers could be, who had not the same sources of information. Lord Hailes, in his text, suppresses all notice of the invasion, or its consequences, but he satisfies his conscience by inserting the passage of *Ordericus* in a note, without translation, but with a few remarks, in which he

1069 Rex *Scotiæ*, *Malcolmus*, subesse Regi **Part II.**
Willielmo eo tempore detrectabat. Quare coacto **PICTS**
in unum exercitu, Rex filium suum *Robertum* ma- **AND**
jorem natu, *Scotiam* sua vice transmisit; cum quo **SCOTS**
et plures *Angliæ* primates, quorum unus Abbas
Adelelmus fuit, præcipiens eis pacem armave offerre,
—pacem, si obtemperantia sibi spondeatur, sin
aliter, arma. Verum Rex ille, *Lodoniis* occurrens,
cum suis pacisci potius quam præliari delegit.
Perinde ut regno *Angliæ* principatus *Scotiæ* sub-
actus foret obsides tribuit. Quo pacto inito, Regis
filius cum exercitu ad patrem hilaris repedavit.

(Lib. Abb.—Bib. Cott. Claudius C ix, f. 135.)

[1069 *Malcolm*, the King of *Scotland*, at that time withdrew from his allegiance to King *William*. Wherefore having collected an army the King sent his eldest son, *Robert*, to *Scotland* in his stead, and with him went also several of the leading men of *England*, one of whom was Abbot *Adelelm*, with instructions to offer them peace or war,—peace if they would promise obedience to him, but if otherwise, war. But that King coming to *Lothian* with his followers, preferred to make peace rather than to fight. Wherefore in recognition that the principate of *Scotland* should be subject to the throne of *England*, he delivered up hostages. After the completion of this compact, the King's son joyfully marched back to his father with his army. (Abingdon Chronicle, Cotton MS. Claudius C ix, f. 135.)]

1072 In the sixth year of King *William*'s reign he invaded *Scotland* with a great force, both by land and sea—*MALCOLM* advances to meet him at *Abernethy*, and becomes his man^a.

informs us, that he holds "Ordericus Vitalis to have been an ignorant blundering monk,"—a summary mode of refuting historical evidence. For William's general assertion of the dominion over the Scots, see the preamble to his Laws. (Wilkins, p. 217.)

^a As there can be no doubt whatever respecting the main facts of this expedition, it is of little importance to examine the details. Gibson supposes the "Gewæde"¹ to be the Tweed, and the Firth of Forth and the Solway have each their advocates. As to *Abernethy*, after many conjectures, Lord Hailes seems to think that it must be sought for in the northern parts of Scotland. Amongst the other testimonies, the harangue of Walter Espce

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1072 This year King William conducted his ship-force and his land-force to Scotland, and beset the land on the sea-coasts with ships, and led in his land-force "æt tham Gewæde."—And King *Malcolm* came and made peace with King *William*, and gave hostages, and became his man—"and gislas sealde, and his man wæs." (Sax. Chron.)

1072 Sexto namque anno *Willielmi* Regis, duxit idem Rex exercitum per terram et per mare in *Scotiam*, et eam ex parte maris cum puppibus obseidit, et exercitum suum per terram apud *Scodwade* introduxit....Rex vero *Malcolm* venit contra eum, et concordatus est cum eo, et dedit illi obsides, et homo suus devenit. (Ann. Waverlienses.)

[1072 For in the sixth year of King *William's* reign, this same King led an army both by land and by sea to *Scotland*, and besieged it from the sea with his ships and led in his army by land at *Scodwade*,...King *Malcolm*, however, came to meet him and made peace with him, giving him hostages and becoming his man. (Annals of Waverley.)]

Isti sunt, isti sunt utique qui nobis quondam non resistendum sed cedendum putarunt, cum *Angliæ* victor *Willielmus*, *Laodomam* (i.e. *Loadoniam*), *Calatriam*^a, *Scotiam*, usque ad *Abernath* penetraret, ubi bellicosus ille *Malcolmus* deditione factus est noster. Address of Walter Espec to the Anglo-Norman army previous to the battle of the Standard. (Ethelred, p. 339.)

[These, these are actually the same men who thought that they ought not to resist, but to yield to us, when *William*, the conqueror of *England*, marched through *Lothian*, *Callander* and *Scotland* as far as *Abernethy*, where that warlike *Malcolm* surrendered to us and became our man. (Ailred of Rievaulx, p. 339.)]

is deserving of particular attention. "According to the most general and probable opinion," Lord Hailes adds, "this homage was done by Malcolm for the lands which he held in England." The reader, who has all the evidence before him, will be best able to judge of this probability.

^a *Calender*, according to Lord Hailes, but perhaps *Galwaiam*.

1072 Duxit Rex exercitum terra et mari in **Part II.**
Scotiam, Melcolm vero Rex *Scottorum* homo **suus PICTS**
effectus est, et obsides eo dedit. (Hen. Hunt.) **AND**
SCOTS.

[1072 The King led an army by land and sea into *Scotland*, but *Malcolm*, King of the *Scots*, became his man and gave him hostages. (Henry of Huntingdon.)]

1072 *Willielmus Scotiam* intravit, cui occurrens
 Rex *Malcolmus* in loco qui dicitur *Abernithi*, homo
 suus devenit. (Mailros.)

[1072 *William* entered *Scotland* and King *Malcolm*, coming to meet him at a place called *Abernethy*, became his man. (Chronicle of Melrose.)]

1072 Post Assumptionem Sanctæ *Mariæ*, Rex *Willielmus* habens in comitatu suo *Edricum* cognomento *Silvaticum*, cum navali et equestri exercitu, *Scotiam* profectus est, ut eam suæ subjugaret ditioni. Graviter namque Rex *Scottorum* *Malcolmus* eum offenderat, quia ut supradictum est, anno præterito regni sui terminos atrociter depopulatus fuerat. Sed ubi Rex *Anglorum* *Scotiam* intraverat, Rex *Malcolmus* ei in loco qui dicitur *Abernithi* occurrit, et homo suus devenit. Rediens autem inde *Willielmus*, *Cospatricum* comitatus honore privavit, imponens illi quod consilio et auxilio affuisset eis, qui comitem cum suis in *Dunelmo* peremerant, licet ipse ibidem præsens non fuisset, et quia in parte hostium fuisset, cum *Normanni* apud *Eboracum* necarentur. (Sim. Dunelm. de Gestis.)

[1072 After the Assumption of the Blessed *Mary*, King *William*, having in his train *Edric*, surnamed *the Wild*, set out for *Scotland* with a fleet of ships and an army of knights in order to subdue it to his rule. For *Malcolm*, King of the *Scots*, had grievously offended him, because, as has been said above, in the previous year he had ravaged in a barbarous fashion the boundaries of his kingdom. But when the King of the *English* had entered *Scotland*, King *Malcolm* met him in a place which is called *Abernethy*, and became his man. When, however, *William* was returning from that place, he deprived *Cospatric* of the honour of his earldom, charging him that he had aided with his counsel and help those who had put to death the earl and his men at *Durham*, though he himself had not been

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present; and also that he had been on the side of the enemy when the *Normans* were killed at *York*. (Simeon of *Durham*.)]

1072 Post Assumptionem Sanctæ Mariæ, Rex *Anglorum Gulielmus*, habens in comitatu suo *Edricum* cognomento *Silvaticum*, cum navali et equestri exercitu *Scotiam* profectus est, ut eam suæ ditioni subjugaret; cui Rex *Scottorum Malcolmus*, in loco qui dicitur *Abernithia* occurrit, et homo suus devenit. (Flor. Wigorn.)

[1072 After the Assumption of the Blessed *Mary*, *William*, King of the *English*, having in his train *Edric* surnamed the *Wild*, set out with an array of ships and of knights for *Scotland* to subdue it to his rule; and *Malcolm*, King of the *Scots*, met him in a place which is called *Abernethy* and became his man. (Florence of Worcester.)]

Pertransiens etiam tunc, et ultra progrediens inclytus Rex *Willielmus* in *Scotiam*, eam sibi subjecit, et *Malcolmum* Regem ejus, sibi hominium facere et fidelitatem jurare apud *Abernithi* coegit. Reversusque in *Angliam*, apud *Londonias* hominium sibi facere et contra omnes homines fidelitatem jurare omnem *Angliæ* incolam imperans, totam terram descripsit, &c. (Ingulphus, p. 79.)

[Passing through also at this time and proceeding beyond into *Scotland*, the renowned King *William* made it subject to him and compelled *Malcolm*, its King, to do homage to him and to swear fealty to him at *Abernethy*. And on his return to *England*, ordering every inhabitant of *England* to do homage to him in *London* and to swear allegiance to him against all men, he made a register of the whole land. (Ingulph, p. 79.)]

1072 Rex *Willielmus*, *Scotiam* hostiliter adiens, speravit aliquos ibi ex suis hostibus invenire, sed cum regionem illam perlustrasset, et nullum penitus invenisset, accepto tandem Regis *Scotorum* cum obsequiis homagio ad *Angliam* remeavit. (Matt. Par.)

[1072 King *William*, coming to *Scotland* with an army, hoped to find some of his enemies there, but when he had searched through that district and had found absolutely none, he at length received the homage of the King of *Scotland* together with hostages, and returned to *England*. (Matthew Paris.)]

1091 *MALCOLM III.* rebels against *William Rufus*—Part II.
denies the service which is due to him, and invades *Northumbria*. *William*, then recently returned from *Normandy*, immediately sends his brother *Robert* against the *Scots* with large forces, both by land and sea. A considerable portion of the naval armament is dispersed by a storm; many of the troops are starved with cold and hunger; yet the *English* advance into *Lothian*, where they are met by *MALCOLM* and his army. According to some historians, *MALCOLM* was terrified into immediate submission: others represent him as preparing to make a stout resistance:—but the result was, that King *MALCOLM* repaired to King *William*, and became his Man, and took the oath of fealty—and obeyed King *William Rufus* as he had obeyed his father, the Conqueror,—and King *William Rufus* thereupon undertook to restore to *MALCOLM* all that he had held under his father, being, amongst other possessions, twelve townships, and a yearly fee of twelve marks of gold^a. PICTS
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1091 Interea mense Maio *Scotorum Rex Malcolmus*, cum magno exercitu *Northimbriam* invasit:

^a It will be seen from the following extracts that the narrative of Ordericus Vitalis differs in many particulars from the relations of the other historians, who also differ from each other. But there are no material contradictions in any one of the narratives sufficient to throw any doubt upon the general course of the transaction. The only point in Ordericus Vitalis to which any serious objection can be raised, is the assertion concerning Margaret. But “nubere” merely implies to betroth; and though such betrothing is not noticed elsewhere, it may be doubted whether we are therefore bound to discredit a circumstance so likely to have occurred. Lord Hailes thus sums up the result:—“Malcolm consented to do homage to William—William consented to restore twelve manors which Malcolm had held under the Conqueror, and to make an annual payment to him of twelve marks of gold; the payment was probably in lieu of some other lands which the Scottish King claimed, and the English was unwilling to surrender.” It will be observed, that Lord Hailes has forgotten to notice, that the homage was such “in all things” as had been rendered to the Conqueror.

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si proventus successisset ulterius processurus, et vim *Angliæ* incolis illaturus. Noluit Deus: ideo ab incepto est impeditus. Attamen antequam rediisset, ejus exercitus de *Northumbria* secum modicam prædam abduxit. Quo audito, Rex cum fratre suo *Roberto* rediit *Angliam*, mense *Augusto*; non multo post cum classe non modica et equestri exercitu *Scotiam* profectus est, ut regem *Scotorum Malcolmum* debellaret. Sed priusquam illuc pervenisset, paucis diebus ante festivitatem *Sancti Michaelis* fere tota demersa est classis multique de equestri exercitu ejus fame et frigore perierunt. Cui Rex *Malcolmus* cum exercitu in provincia *Loidis* occurrit. Quod videns Comes *Robertus*, Clitonem *Eadgarum* (quem Rex de *Normannia* expulerat, et tunc cum Rege *Scotorum* degebat) ad se accersuit. Cujus auxilio fretus, pacem inter reges fecit ea conditione, ut *Gulielmo* (sicut patri suo obedivit) *Malcolmus* obediret: et *Malcolmo* duodecim villas (quas in *Anglia* sub patre illius habuerat) *Gulielmus* redderet, et duodecim *Marcas* auri singulis annis daret. (Flor. Wigorn.)

[1091 Meanwhile in the month of May, *Malcolm*, King of the *Scots*, invaded *Northumbria* with a large army: intending, if the result should be successful, to proceed further and attack the inhabitants of *England*. But God forbade and so he was balked in his attempt. However, before he returned, his army carried away from *Northumbria* a small amount of booty. When the King heard this, he returned to *England*, with his brother *Robert*, in the month of *August*, and not long afterwards he set out for *Scotland* with a large fleet and an army of knights to subdue *Malcolm*, King of the *Scots*. But before he arrived there, a few days before the feast of *St. Michael*, almost the whole of his fleet was sunk and many of the knights of his army perished of cold and hunger. King *Malcolm* met him with an army in the province of *Loidis*¹. When Earl *Robert* saw this, he summoned to him *Eadgar* the Atheling (whom the King had expelled from *Normandy* and who was at that time living with the King of the *Scots*). Relying on his aid, he made peace between the kings on condition that *Malcolm* should show obedience to *William* (as he had done to his father); and that *William* should restore to *Malcolm* the twelve manors, which

he had held in *England* under his father, and give him twelve marks of gold every year. (Florence of Worcester.)] Part II.

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1091 Whilst the King *William* was out of England, the King *Melcolm*, of Scotland, came hither into England, and overran a great deal of it, until the good men that governed this land sent an army against him, and repulsed him. When the King *William* in Normandy heard this, then prepared he his departure, and came to England, and his brother, the Earl *Robert*, with him; and he soon issued an order to collect a force, both naval and military; but the naval force, ere it came to Scotland, almost all perished miserably, a few days before St. Michael's Mass. And the King and his brother proceeded with the land force; but when the King *Melcolm* heard that they were resolved to seek him with an army, he went with his force out of Scotland, into Lothian in England, and there abode. When the King *William* came near with his army, then interceded Earl *Robert* and *Edgar* Etheling, and so made the peace of the kings, that the King *Melcolm* came to our king, and became his man, promising all such obedience as he formerly rendered to his father; and that he confirmed with an oath. And the King *William* promised him in land, and in all things whatever he formerly had under his father. In this covenant was also *Edgar* Etheling united with the king. (Ingram's Sax. Chron. p. 304.)

1092 In illo tempore *Melcolma* rex *Scotorum* contra regem *Anglorum* rebellavit, debitumque servitium ei denegavit. Porro *Guillelmus* Rex, postquam in *Normannia*, ut supra retulimus, cum *Rodberto* fratre suo pacem fecerat, ipsumque contra infidos proditores, qui contra Regem conspiraverant, secum duxerat, exercitum totius *Angliæ* conglobavit, ut usque ad magnum flumen, quod *Scote Watra* dicitur, perduxit. Sed quia inaccessibilis transitus erat, super ripam consedit. Rex autem *Scottorum* e regione cum legionibus suis ad bellandum paratus constitit, Regique *Anglorum* per internuntios ista mandavit. Tibi, Rex *Guillelme*, nihil

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debeo, nisi conflictum, si a te injuriis lacessitus fuero. Verum si *Rodbertum* primogenitum *Guillelmi* Regis filium videro, illi exhibere paratus sum quicquid debeo. His auditis, ex consultu sapientum *Rodbertus* Dux cum paucis militibus transfretavit; Rex autem *Scottorum* benigniter illum suscepit, secumque tribus diebus amicabilem detinuit. Tunc super quendam montem excelsum Ducem deduxit, et inde in quadam planitie ingentem exercitum armatorum ei ostendit. Deinde inter duos montes eundem ex alia parte minavit, et in alio campo maiorem exercitum ei demonstravit. Talibus, inquit, stipatus cuneis *Scotiæ*, paratus sum fratrem tuum suscipere, si huc ad me presumpserit transfretare. Utinam velit nos aggredi, et missilium nostrorum acumen experiri! Fateor, quod Rex *Eduardus*, dum mihi *Margaritam* proneptem suam in conjugium tradidit, *Lodonensem* comitatum mihi donavit. Deinde *Guillelmus* Rex, quod antecessor ejus mihi dederat concessit, et me tibi, primogenito suo, commendavit. Unde quod tibi promisi conservabo. Sed fratri tuo nihil promisi, et nihil debeo. Nemo, ut Christus ait, potest duobus Dominis servire. *Rodbertus* respondit: Ut asseris, ita est. Sed mutationes rerum factæ sunt, et statuta patris mei a pristina soliditate in multis vacillaverunt. Nunc igitur, inclyte Rex, adquiesce mihi, et mecum ad fratrem meum veni, inveniesque apud eum dulcedinem bonique affluentiam; quia vicinior est et potentior, et majorem habet divitiarum copiam. His itaque promissis, Rex credulus effectus est, et peractis colloquiis cum Rege pacificatus est. Deinde Reges agmina sua remiserunt, et ipsi simul in *Angliam* profecti sunt.

(Ord. Vital. p. 701.)

[1092 At that time *Malcolm*, King of the *Scots*, rebelled against the king of the *English* and refused to grant him his bounden service. Forthwith King *William*, after making peace with his brother *Robert* in *Normandy*, as we have related above, led *Robert* with him against the faithless traitors who had conspired against their King, and having collected the army of the whole of *England*, he led it as far as the great river, which

is called *the Water of the Scots*; but because its passage was impossible, he encamped on its bank. The King of the *Scots* on the other hand took up a position right opposite him, ready with his legions to give battle, and by messengers sent the following message to the King of the *English*: "To you, King *William*, I owe nothing save hostility, if I be provoked by your insults. If, however, I see *Robert*, the first-born son of King *William*, I am ready to perform to him my duty whatever it be." On hearing of this, Duke *Robert*, following the advice of the counsellors, crossed over with a few knights; the King of the *Scots* on his part received him kindly and spent three days with him in friendly converse. Then he led the Duke to a certain high mountain and from that eminence he shewed him a large army of soldiers on a plain. Then he led him in another direction between two mountains and pointed out to him a larger army in another plain, and said: "Supported by such masses of *Scottish* troops, I am ready to receive your brother, should he have the presumption to cross over hither to me. Would to heaven that he would desire to attack us and try the sharpness of our weapons! I confess that King *Edward* when he betrothed his grand-niece, *Margaret*, to me, made me a gift of the earldom of *Lothian*. Later King *William* granted what his predecessor had given me and commended me to you, his firstborn son. Wherefore I will faithfully keep my promise to you. But to your brother I have promised nothing and I owe nothing. No one, as Christ says, can serve two masters." *Robert* replied: "As you assert, so it is. But things have changed, and much of what my father established has been shaken from its former stability. Now therefore, renowned King, hearken to me and come with me to my brother and you will find with him pleasantness and an overflowing measure of good; because he is your nearest neighbour and the more powerful and has a greater abundance of wealth." The King therefore was brought to trust in these promises and came to peaceful terms with the King after the conclusion of their talk. Whereupon the Kings sent back their respective armies and set out together for *England*. (Ordericus Vitalis, p. 701.)]

1092 Interea *Melcolm* Rex *Scottorum*, prædatum veniens in *Angliam*, validissime vexavit eam; venientes igitur in *Angliam* Rex *Willielmus*, et cum eo *Robertus* frater suus, direxerunt acies in *Scotiam*. Itaque *Melcolm* nimio timore perstrictus

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homo Regis effectus est, et juramento fidelitatis ei subjectus. (Hen. Hunt. vii.)

[1092 Meanwhile *Malcolm*, King of the *Scots*, came to *England* on a foray and grievously harassed it. Wherefore King *William* and his brother *Robert* with him coming to *England*, led an army into *Scotland*. *Malcolm* therefore, stunned with excessive fear, became the King's man and his dependent by an oath of fealty. (Henry of Huntingdon, vii.)]

1093 *MALCOLM III.* repairs to *Gloucester*, for the purpose of confirming the peace with *William*. The latter demands that *MALCOLM* shall do right to him in his court, according to the judgment of his Barons: but *MALCOLM* refuses, professing his readiness at the same time to submit to judgment on the Border, where the Kings of *SCOTLAND* had been accustomed to "do right" to the Kings of *England*, and according to the judgment of "Primates" of the two kingdoms^a.

^a The following is Lord Hailes' narrative: "It would seem "that Malcolm remonstrated against this measure (the erection of "the castle of Carlisle), and that the English nobles were solicitous "to preserve the tranquillity of the two nations. A personal "interview of the King was proposed; for that purpose Malcolm "repaired to Gloucester (Aug. 24). William required him to do "homage *there*, in the presence of the English Barons. *This* "Malcolm absolutely refused, but he offered to do homage, as the "use had been, on the frontiers, and in the presence of the chief "men of both kingdoms. William was advised by some of his "counsellors to detain the King, but he rejected the suggestions "of cowardly policy, and dismissed him."

This version of the story contains a most material error. William did not demand that Malcolm should perform homage, but that he should make amends for some offence (real or supposed) which he had committed. "*Facere rectitudinem*" has no other sense.¹ If the explanation of Lord Hailes be admitted, the admission would make more strongly against the Scots; for it would import that the Kings of the Scots were accustomed to render an unqualified homage to the Kings of the English. And if such homage was to be rendered in respect of lands in England, such would assuredly have been expressed with as much care as the place in which it was to be performed. However, it is clear that the passage relates to the settlement of complaints

1093 Rex *Scottorum Malcholmus*, die festivitatis **Part II.**
Sancti Bartholomei Apostoli Regi *Willielmo* juniore, **PICTS**
 ut prius per legatos inter eos statutum fuerat, in **AND**
 civitate *Glaworna* occurrit, ut sicut quidam primatum **SCOTS.**
Angliæ voluerunt, pace redintegrata, stabilis
 inter eos amicitia firmaretur. Sed impacati abin-
 vicem discesserunt. Nam *Malcholmum* videre, aut
 cum eo colloqui, præ nimia superbia et potentia,
Willielmus despexit. Insuper etiam illum, ut se-
 cundum iudicium tantum Baronum suorum in curia
 sua rectitudinem ei faceret, constringere voluit;
 sed id agere nisi in regnorum suorum confiniis, ubi
 reges *Scottorum* erant soliti rectitudinem facere
 regibus *Anglorum*, et secundum iudicium primum
 utriusque regni, nullo modo *Malcholmus* voluit.

(Sim. Dunelm. p. 218.)

[1093 *Malcolm*, King of the *Scots*, on the day of the festival
 of St. *Bartholomew* the Apostle, met King *William* the Second,
 as had previously been agreed between them by means of
 ambassadors, in the city of *Gloucester*, in order that, after
 a renewal of peace, a firm friendship might be established
 between them, as some of the leading men of *England* wished.
 But they separated without making peace. For *William* would
 not condescend, on account of his excessive pride and power,
 to see *Malcolm* or hold converse with him. In addition, he
 wished to compel him to answer in law to him in his Court
 according to the judgment of his Barons only; but *Malcolm*
 utterly refused to do this except on the boundaries of their
 respective kingdoms, where the kings of the *Scots* had been
 accustomed to answer in law to the kings of the *English*, and
 in accordance with the judgment of the leading men of both
 kingdoms. (Simeon of Durham, p. 218.)]

In the Saxon Chronicle, which agrees in substance
 with the above, it is added, that William *sum-*
moned the King of Scots to Gloucester. "And se-
 cing *Willelm* him steofnode to Gloweceastre."

1093 Malcolm III. slain at the river Alne by Morel of
 Bamborough.

preferred by the suzerain against the vassal, and I must add,
 not by the vassal against the suzerain, for no reciprocity is
 expressed or implied.

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- 1093} Shortly after the death of *Margaret*, the widow of
1094} *MALCOLM CANMORE*, *DONALDBANE*, his
brother, is called to the succession of the *Scots*.
DUNCAN II., the son of *MALCOLM*, then serving
under *William Rufus*, in *England*, applies to him,
praying that he would be pleased to grant him
the kingdom of his father (or, in the legal phrase,
prays to have livery of his inheritance). *William*
accedes to the request, and *DUNCAN*, having
taken the oath of fealty, repairs to *Scotland*, with
a force of English and Norman troops, expels
Donaldbane, and reigns in his stead^a.

^a Qua mortua [Margareta] *Dufenaldum* Regis *Malcholmi* fratrem *Scotti* sibi in regem elegerunt et omnes *Anglos* qui de curia Regis extiterunt de *Scotia* expulerunt. Quibus auditis, filius Regis *Malcholmi Dunechan*, regem *Willielmum* cui tunc militavit, UT EI REGNUM SUI PATRIS CONCEDERET, petiit et impetravit, illique fidelitatem juravit. Et sic ad *Scotiam* cum multitudo *Anglorum* ac *Normannorum* properavit, et patrum suum *Dufenaldum* de regno expulit, et in loco ejus regnavit. (Sim. Dunelm. Hoveden.)

[After the death of *Margaret*, the *Scots* elected as their king *Dufenald*, the brother of King *Malcolm*, and drove out of *Scotland* all the *English* who were members of the King's court. When he heard this, *Duncan* the son of King *Malcolm* asked King *William*, with whom he was then serving, TO GRANT HIM THE KINGDOM OF HIS FATHER; he obtained his request and swore allegiance to *William*. And so he hastened to *Scotland* with a large army of *English* and *Normans* and expelled his uncle *Dufenald* from the kingdom and reigned in his stead. (Simeon of Durham. Roger of Hoveden.)]

"Duncan, a bastard of the late king, had been left as a hostage
"in *England*. *William Rufus* invested him with the honour of
"knighthood, and retained him in his service. *Duncan* sought
"the permission of *William* to invade *Scotland*, and having
"sworn fealty obtained it. Aided by a numerous band of adven-
"turers, *English* and *Norman*, he expelled *Donald Bane*, and
"reigned in his stead." (Hailes.) It must be observed, that
it is not certain that *Duncan* was really an illegitimate son; and
that even his bastardy, supposing he were a bastard, was by no
means a bar to his asserting a right to the inheritance of his
father, and that *Rufus*, the son of *William*, the son of *Arletta*,

1097 *DUNCAN II.* having been assassinated, *DONALD-* Part II.
BANE regains the crown. Upon which *William* PICTS
Rufus, as soon as he returns to *England*, sends AND
Edgar Atheling with a great army into *Scotland*. SCOTS.
Edgar occupies the country, and expels *Donald*, and
gives possession of the realm to *EDGAR*, the son of
MALCOLM, who is appointed King, in fealty,
or in subjection to *William*^a.

1097 Also in this same year, soon after Michael-
mas, went Edgar Etheling, with an army, by the
King's command, into Scotland, and with hard
fighting won that land, and drove out the King,
Dufnal; and his nephew Edgar, who was son of
King Melcolm and of Margaret the Queen, he there
appointed king, in fealty to the King William
(Gibson translates "sub ditione Regis *Anglicæ*");
and afterward again returned to England.....And
his mæg Eadgar se wæs Melcolmes sunu cynges
7 Margarite þære cwenan he þær on þæs cynges
Willelmes heldan to cynge gesette. 7 syððan
ongan in to Engleland fór.

(Ingram's Sax. Chron. p. 317.)

"William Rufus commiserated the forlorn state
"of the family of Malcolm III. With his appro-
"bation and aid, Edgar Atheling assembled a body
"of troops. He marched into Scotland, overcame
"Donald, and placed Edgar, the son of Malcolm,
"on the throne of his ancestors." (Hailes.)

was not likely to incline against the doctrine, that a son born
out of matrimony might be entitled to the dominion of his father.

^a Anno 1097. Rex *Anglorum Willielmus* quadragesimali
tempore *Angliam* rediit...post hæc Clitonem *Eadgarum* ad
Scotiam cum exercitu misit, ut in ea consobrinum suum, *Eadgarum*
Malcolmi Regis filium, patruo suo *Dufenaldo* qui regnum in-
vaserat expulso, regem constitueret. (Sim. Dunelm. de Gestis,
p. 223. Flor. Wigorn. Mailros.)

[In the year 1097. *William*, King of the *English*, returned
to *England* during Lent...and afterwards sent the Clito,
Eadgar, to *Scotland* with an army to drive out his uncle
Dufenald who had usurped his kingdom, and establish as king
his cousin *Eadgar*, son of King *Malcolm*. (Simeon of Durham,

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Lord Hailes has not presented the case to his readers according to the plain and evident meaning of the Chroniclers. William sent Edgar Atheling to Scotland, in order that he might restore Edgar to the crown and kingdom, in the same manner as he, William, had previously restored Duncan, and as Malcolm himself had been restored by the Confessor. Lord Hailes considers the transaction as the result of compassion. Read the Chroniclers, and it will be seen as the act of a Lord who helps his Vassal according to the tenor of the bond by which they are united.—Submission on the one side—protection and aid on the other. Anderson (p. 93) reasons more boldly upon the effect of the passage which imports that Edgar was under the subjection of Rufus. He suggests, that “it is not to be thought that an historian of those days would boggle at an amusing innuendo, or a transcriber stumble at an interpolation.” Upon such grounds of historic doubt it is unnecessary to comment.

1127 Henry I. holds his court, which is attended by DAVID I., King of SCOTS, and by all the Archbishops, Bishops, Earls, and Barons, or “Thanes.” (Sax. Chron.) In this assembly he causes these, his liegemen, to swear that they will acknowledge his daughter, *Matilda*, the Empress (*Æthelie*, his dohtor—Sax. Chron.) as rightful heir, after his decease, to England and Normandy^a. (Sax. Chron.)

Acts of the Kings, p. 223. Florence of Worcester. Chronicle of Melrose.)]

Anno 1099. Rex venit de *Normannia* et regio diademate coronatus est apud *Londoneam* ubi *Edgarus* Rex *Scotie* gladium coram eo portavit. (Ric. Divisiensis, Bib. Cott. Domitian A xiii, f. 246.)

[In the year 1099. The King came from *Normandy* and wore his royal crown at *London*, where *Edgar*, King of *Scotland*, carried the sword before him. (Richard of Devizes, Cotton MS. Domitian A xiii, f. 246.)]

^a *Æthelie*, or the Noble, was the English name given to Maud.¹ It will be observed, that if it be supposed that the support of David had been sought by Henry as a favour, and out

1127 *David Rex Scotiæ*, et omnes Archiepiscopi, Part II.
Abbates, Comites et Barones totius *Angliæ* Im- PICTS
peratrici regnum juraverunt in circumcissione Do- AND
mini apud *Landonias*. (Mailros.) SCOTS.

[1127 *David*, King of *Scotland* and all the Archbishops, Abbots, Earls and Barons of the whole of *England* at *London* on the feast of the Circumcision promised on oath to secure the succession of the Empress. (Chronicle of Melrose.)]

Fecit Principes et Potentes *Angliæ* adjurare eidem filiæ suæ et hæredibus suis legitimis Regnum *Angliæ*. (Gervas. Dorobern. col. 1339.)

[He made the princes and magnates of *England* promise on oath the succession to the throne of *England* to this same daughter of his and to her legitimate heirs. (Gervase of Canterbury, col. 1339.)]

1130 *DAVID I.*, as one of the "Pares" of *Gosfrid de Clinton*, sits in judgment upon the latter in the court of *Henry I.*^a

Anno ab Incarnatione Domini 1130—dum *David* Rex in curia *Henrici* Regis caute judicium indagaret, et de reatu perfidiæ, quam *Goisfredus de Clintonia*, ut dicunt, contra regem agitaverat, diligenter discuteret, *Aragois*, Comes *Morafixæ*, cum *Melcolfo* et quinque millibus armatorum *Scotiam* intravit, totamque regionem sibi subigere studuit. Porro *Edvardus*, *Siwardi* filius, qui sub *Edvardo* rege tribunus *Merciorum* fuit, princeps militiæ, et conso-brinus *David* regis, exercitum aggregavit; et hostili

of love and affection which he bore to his niece, it would not have been necessary, or, indeed, advisable, to order or compel him to take the oath in the same rank with the other vassals of the crown.

^a Lord Hailes rejects from his text the details which Ordericus has given of the rebellion. He alludes to them slightly in a note, concluding with the remark, that "Ordericus Vitalis is an historian so ill-informed with respect to the affairs of Scotland, that I dare not rely upon his evidence." Lord Hailes probably thought that this unfortunate monk must have been equally ignorant of the affairs of England, for in merely saying that David was at the court of Henry, King of England, he has omitted to notice that David was sitting in that court as one of the vassals of the English crown.

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repente exercitui obviavit. Tandem, facta congressione, *Aragois* Consulem occidit ejusque turmas prostravit, cepit atque fugavit. Deinde cum cohortibus suis jam triumpho elatis fugientes avidè insecutus est: totumque regionis spatiosæ ducatum Deo auxiliante nactus est. Sic *David*, aucta potestate, super antecessores suos exaltatus est, studioque ejus religiosi et eruditi personis regio *Scottorum* decorata est. (Ord. Vital. p. 702.)

[In the year 1130 after Our Lord's incarnation, while King *David* was carefully investigating a case in the court of King *Henry* and diligently examining a charge of treason, of which, as was alleged, *Geoffrey de Clinton* had been guilty against the King, *Angus*, Earl of *Moray*, with *Malcolm* and five thousand armed men entered *Scotland* and sought to subjugate the whole country to himself. Forthwith *Edward*, the son of *Siward*, who had been Earl of the *Mercians* under King *Edward*, a cousin of *David*, and commander of his army, collected the King's forces and suddenly threw himself in the way of the hostile forces. At length when the battle was joined he slew Earl *Angus* and overthrew, captured or put to flight his squadrons. Then he hotly pursued the fugitives with his men who were elated at their late triumph, and, with the help of God, he obtained possession of the whole of the vast earldom [of *Moray*]. Thus *David* increased his power until he far exceeded all his predecessors and, through his own energetic example, the country of the *Scots* was adorned with many scholars and religious men. (Ordericus Vitalis, p. 702.)]

1157 *MALCOLM IV.* or the Maiden, King of *Scots*, repairs to *Henry II.* and becomes his Man, in the same manner as his grandfather *DAVID I.* became the Man of *Henry I.* saving all his dignities^a.

1157 Rex *Malcolmus Scottorum*, veniens ad Regem *Angliæ Henricum* apud *Cestriam*, devenit homo suus, eo modo quo avus suus fuerat homo veteris Regis *Henrici*, salvis omnibus dignitatibus suis.

(Mailros.)

^a This is the only early instance in which this reservation appears distinctly. Whatever may have been the meaning then put upon it (perhaps in relation to *Malcolm's* right to the English crown), it was not repeated in 1163.

[1157 *Malcolm*, King of the *Scots*, coming to *Henry*, King **Part II.** of *England*, at *Chester*, became his man, in the same way as **PICTS** his grandfather had become the man of King *Henry* the First, **AND** saving all his dignities. (Chronicle of Melrose.) **SCOTS.**]

1163 *MALCOLM IV.*, *REES*, Prince of South Wales, *OWEN*, Prince of North Wales, and all the great men of Wales, perform homage to the King of the English, and to *Henry*, his son.

1163 *Malcolmus Rex Scottorum, Resus, Australiū Princeps Wallensium, Audoenus aquilonarum, et quique majores de Cambria, fecerunt homagium Regi Anglorum, et Henrico filio suo, Kalend. Julii apud Udestoke. (Diceto, p. 535.)*

[1163 *Malcolm*, King of the *Scots*, *Rhys*, Prince of the people of South Wales, *Owen*, Prince of the North Welsh and all the great men from Wales, did homage to the King of the English and to his son *Henry* at *Woodstock* on the 1st of July. (Ralph of Diss, p. 535.)]

Compare this transaction with the designation of *Egferth*, as the successor of *Offa* (see above, p. 486) and with the acts of homage performed by the British and Scottish Princes to the Anglo-Saxon Kings.

1166 *Henry II.* crosses the sea to Normandy, and *WILLIAM*, King of Scots, follows the King of England as his Lord, and upon the King of England's affairs^a.

^a Lord Hailes says—"William repaired to the court of "Henry II. and solicited the restitution of Northumberland. "Contrary to the opinion of all his counsellors, he passed over "into France, and served under the banners of Henry. His "counsellors judged well. From this impolitic thirst of military "glory, the Chronicle of Mailros concludes that he went into "France 'to do the business of his Lord.' Henry rewarded him "with fair promises, and agreed to prolong the truce with Scot- "land." Lord Hailes' narrative is founded upon the following passage in Fordun, "*Rex vero Scotiæ Willelmus, non suorum qui secum aderant ibidem nobilium nec ullius præpediri potuit quovis ingenio, quin invitis omnibus, ut bellatorum cerneret congressus fortium, cum eo profectus est*" (viii. 13). [*William*, King of *Scotland*, however, could not be constrained either by any device of his own nobles who were on the spot with him, or of

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1166 *Rex Angliæ Henricus* transfretavit, quem, ob negotia Domini sui, *Rex Scotiæ Willielmus* secutus est, et in transmarinis partibus quibusdam militiarum probitatibus attemptatus, statim rediit.
(Mailros.)

[1166 *Henry*, King of *England*, sailed across the sea and *William*, King of *Scotland*, followed him upon his Lord's business, and having given proofs of his military prowess in foreign parts, he immediately returned. (Chronicle of Melrose.)]

1170 *Henry II.* holds his court at Windsor, at Easter time, whereat are present *WILLIAM*, King of *SCOTS*, and *DAVID* his brother, and almost all the Nobles and great men of *England* (i.e. belonging to the *English* crown), after which he held another council at London, upon the Eve of St. Vitus and St. Modestus, in which assembly he caused *HENRY* his son to be crowned King of England.—On the morrow of the Coronation, and at his command, *WILLIAM*, King of Scots, and *DAVID* his brother and all the Earls, Barons, and Freeholders of England, became the liegemen or vassals of the young King, his son; and *Henry II.* caused them to take the oath of fealty to his son against all men, saving only the fealty due to himself^a.

June 14.

1170 Eodem anno, Rex tenuit curiam suam in solemnitate *Paschali* apud *Winleshoures*, cui festo *Paschali* interfuerunt *Willielmus* Rex *Scotiæ*, et *David* frater ejus, et fere omnes nobiliores et majores *Angliæ*, tam Episcopi, quam Comites et Barones. Peracta igitur solemnitate *Paschali*, perrexit inde *Lundonias*; et ibi magnum celebravit concilium de coronatione *Henrici* filii sui majoris; et de statutis regni sui....Et die dominica, quæ evenit 18° Kalendas Julii, scil. vigilia sanctorum *Viti* et *Modesti* Martyrum, et Sanctæ *Crescentiæ* Virginis, fecit Rex *Henricus* filium suum *Henricum*

anyone else, from setting out with him to witness the encounters of brave warriors, though all were greatly opposed to it.]

^a It will be observed that there is no qualification of the homage of the King of Scots and his brother, any more than in the homage and fealty of the other tenants of the English crown.

majorem coronari, et in regem consecrari apud **Part II.**
Westmonasterium a *Rogero Eboracensi* Archiepiscopo **PICTS**
 et Apostolicæ sedis legato; ministrantibus ei in illo **AND**
 officio *Hugone, Dunelmensi* Episcopo, et *Gilberto,* **SCOTS**
Lundoniensi Episcopo, et *Joscelino, Salesberiensis*
Episcopo, et *Waltero, Roffensi* Episcopo, astanti-
 bus etiam fere omnibus Comitibus, Baronibus et
 Nobilioribus Regni.

In crastino autem hujus consecrationis, fecit Rex
Willielmum Regem *Scotiæ* et *David* fratrem suum,
 et omnes Comites et Barones, et Francos-tenentes
 Regni sui, devenire homines novi Regis filii sui.
 Et fecit eos super Sanctorum reliquias jurare illi
 ligeantias et fidelitates, contra omnes homines, salva
 fidelitate sua. (Benedictus Abbas, p. 3.)

[1170 In the same year, the King held his court at the
 feast of *Easter* at *Windsor*, and *William*, King of *Scotland*, and
 his brother *David* attended the *Easter* festival and almost all
 the nobles and great men of *England*, both Bishops and Earls
 and Barons. When therefore the feast of *Easter* was completed,
 he proceeded thence to *London* and there he held a great council
 for the coronation of his elder son *Henry*, and concerning the
 statutes of his realm...And on the Sunday, which fell on the
 14th of June, to wit on the eve of the Martyrs *St. Vitus* and
St. Modestus, and of the Virgin *St. Crescentia*, King *Henry*
 caused his elder son, *Henry*, to be crowned and to be consecrated
 for King at *Westminster* by *Roger*, Archbishop of *York* and legate
 of the Apostolic see; and there assisted him in that office *Hugh*,
 Bishop of *Durham*, *Gilbert*, Bishop of *London* and *Jocelyn*, Bishop
 of *Salisbury* and *Walter*, Bishop of *Rochester*, in the presence
 also of almost all the Earls, Barons and Nobles of the realm.

Moreover on the day after this consecration, the King made
William, King of *Scotland* and *David*, his brother, and all the
 Earls and Barons and Tenants in chief of his kingdom become
 the men of the new King, his son. And he made them swear
 over the relics of the saints allegiance and fealty to him
 against all men, save only the fealty due to himself. (Abbot
 Benedict, p. 3.)]

1175 On the Feast of *St. Lawrence* in this year, *WILLIAM*,
 King of *Scots*, came to meet the King of *England*
 at *York*, bringing with him all the Bishops, Earls,
 Barons and Knights of the country, from the

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greatest even unto the least, in order that they might perform homage, and take the oath of allegiance and fealty to the King of England, and his heirs for ever, against all men, as had been agreed upon between the said Kings at Falaise in Normandy, before the *KING OF SCOTS* was delivered from the *King of England's* prison. Being all assembled in the Cathedral, *WILLIAM*, King of Scots, commanded the Bishops, Earls, and Barons of his land, to do homage and take the oaths of allegiance and fealty to *Henry*, King of *England*, son of *Maud*, the Empress, and *HENRY*, his son; and first of all, he, the King of *SCOTLAND*, and *David* his brother, became the men or vassals of the King of *England*, for all their lands and tenements, and especially for *SCOTLAND* and *GALLOWAY*, and took the oath of allegiance and fealty to him against all men. And afterwards they became the men or vassals of the young King, and took the oath of fealty to him, saving only the fealty due to his father. In like manner, and by the command of the King of Scots, the following prelates, viz. the Bishops of *St. Andrew's*, *Glasgow*, *Dunkeld*, *Whitehern*, *Moray* and *Caithness*, and all the Abbots of his land, took the oath of allegiance and fealty to the Kings of England, father and son. Moreover, the Bishops swore that if the King of *SCOTLAND* should break the final concord and covenant which he had made with the King of England, then they would put him and all the country under an interdict. Furthermore, by the commands of the King of Scotland, all the Prelates, Earls, and Barons of his land became the men of King Henry and of the young King, his son, and took the oaths of fealty and allegiance to them against all men, saving only in the fealty to the young King the fealty due to his father; and, before all the persons then and there assembled, the King of England caused the treaty between him and the King of Scotland to be read, and afterwards to be confirmed by the seals of the King of Scotland, and of David his brother^a.

^a Lord Hailes has compressed the treaty (of which I have

1175 Et his ita peractis apud *Notingham*, Rex **Part II.**
ivit usque *Eboracum*, et in festo *Sancti Laurentii* **PICTS**
venit illuc, et habuit ibi sibi obvium *Willelmum* **AND**
Regem *Scotiæ*, qui secum adduxerat omnes **SCOTS.**
Episcopos, et Comites, et Barones, et Milites, et Francos-
tenentes terræ suæ, a maximo usque ad minimum,
ad faciendum ibi hominia et ligeantias et fidelitates
Regi *Angliæ* et heredibus suis in perpetuum, contra
omnes homines, sicut convenit inter eos apud
Falesiam in *Normannia*, antequam Rex *Scotiæ*
de ergastulo ejus exiret. Itaque congregatis omni-
bus in Ecclesia *Sancti Petri* *Eboraci*, *Willelmus*,
Rex *Scotiæ*, præcepit Episcopis et Comitibus et
Baronibus terræ suæ facere ligeantiam, et fide-
litatem, et hominum *Henrico* Regi *Angliæ* filio
Matildis Imperatricis et *Henrico* Regi, filio suo:
sicque factum est. Et imprimis ipse Rex *Scotiæ*
et *David* frater ejus devenerunt ibidem homines
prædicti Regis, et fidelitates et ligeantias ei fecerunt,
de omnibus tenementis suis, et nominatim, de
Scotia et *Galweia*; et fidelitates et ligeantias ei
juraverunt contra omnes homines, tactis sacro-
sanctis Evangeliiis; et postea devenerunt homines
regis filii sui, et fidelitates ei juraverunt, salva
fidelitate patris sui. Similiter juraverunt eis fide-
litates et ligeantias, per præceptum Regis *Scotiæ*, eis
et heredibus suis in perpetuum tenendas *Ricardus*
Episcopus *Sancti Andreæ*, *Joscelinus* Episcopus
Glascuensis, *Ricardus* Episcopus de *Dumkelda*, *Cris-
tianus* Episcopus de *Galweia*, *Andreas* Episcopus
de *Chatenesia*, *Simon de Thouni* Episcopus de
Murevia, Abbas de *Kelzau*, *Laurentius* Abbas de
Malros, Abbas de *Neubottle*; et præter illos, omnes
Abbates terræ suæ. Juraverunt etiam prædicti
Episcopi, quod si Rex *Scotiæ* nollet tenere con-
ventionem et finem quem fecerat cum Rege *Angliæ*,
ipsi sub interdicto ponerent ipsum et totam terram
suam, donec veniret ad bene placitum Regis *Angliæ*.

only given a portion) into half a page, and the account of the
meeting at York into the following lines, "William, with his
"Clergy and Barons, did homage to Henry, at York, according
"to the tenor of the late treaty."

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Juraverunt etiam, quod eandem subjectionem facerent Ecclesiæ *Angliæ*, quam prædecessores sui eidem Ecclesiæ facere solebant, et quam facere debent. Similiter, Comites et Barones terræ Regis *Scotiæ*, per præceptum ipsius, devenerunt homines Regis *Angliæ*, et *Henrici* filii sui, salva fidelitate sua; et eis fidelitates et ligeantias juraverunt contra omnes homines, scilicet Comes *Dunecan*, et Comes *D'Anegus*, et Comes *Waldevus*; et juraverunt, quod si Rex *Scotiæ* a prædicta conventionem recederet, ipsi contra eum, cum Rege *Angliæ* tenerent, donec ipse ad condignam satisfactionem veniret, et ad voluntatem Regis. Tunc vero coram omnibus fecit Rex *Angliæ* legi, et sigillis Regis *Scotiæ* et *David* fratris sui confirmari conventionem subscriptam, quæ facta fuit inter ipsum et Regem *Scotiæ*. “Haec
“est conventio et finis, quem *Willelmus* Rex *Scotiæ*
“fecit cum Domino suo *Henrico* Rege *Angliæ*, filio
“*Matildis* Imperatricis. *Willelmus* Rex *Scotiæ* de-
“venit homo ligius domini Regis, contra omnem
“hominem, de *Scotia* et de omnibus aliis terris suis:
“et fidelitatem ei fecit, ut ligio domino suo, sicut
“alii homines sui ipsi facere solent. Similiter fecit
“homagium *Henrico* Regi filio suo, et fidelitatem,
“salva fide domini Regis patris sui. Omnes vero
“Episcopi et Abbates, et clerus terræ Regis *Scotiæ*,
“et successores sui facient domino Regi, sicut ligio
“domino, fidelitatem, de quibus habere voluerit,
“sicut alii Episcopi sui ipsi facere solent, et *Henrico*
“Regi filio suo et heredibus eorum..... Comites
“etiam et Barones et alii homines de terra Regis
“*Scotiæ*, de quibus dominus Rex habere voluerit,
“facient ei homagium contra omnem hominem, et
“fidelitatem, ut ligio domino, sicut alii homines
“sui ei facere solent: et *Henrico* Regi filio suo, et
“heredibus suis, salva fide domini Regis patris sui.
“Similiter heredes Regis *Scotiæ*, et Baronum, et
“hominum suorum, homagium et ligantiam facient
“heredibus domini Regis contra omnem hominem.
“...Præterea Rex *Scotiæ*, et Barones sui præ-
“nominati assecuraverunt, quod ipsi, bonâ fide et
“sine malo ingenio et sine occasione facient, quod

“Episcopi et Barones, et homines terræ suæ, qui
 “non affuerunt quando Rex *Scotiæ* cum Domino
 “Rege finivit, eandem ligantiam et fidelitatem
 “domino Regi facient, et *Henrico* filio suo, quam
 “ipsi fecerunt, et quod Barones et homines, qui
 “non affuerunt, obsides liberabunt domino Regi,
 “de quibus habere voluerit. Præterea Episcopi,
 “Comites, et Barones conventionaverunt domino
 “Regi et *Henrico* filio suo, quod si Rex *Scotiæ*
 “aliquo casu a fidelitate domini Regis et filii sui,
 “et a conventionem prædicta recederet, ipsi cum
 “domino Rege, sicut cum ligio domino suo, tene-
 “bunt contra regem *Scotiæ* et contra omnes homines
 “domino Regi inimicantes. Et Episcopi sub inter-
 “dicto ponent terram Regis *Scotiæ*, donec ipse ad
 “fidelitatem domini Regis redeat. Prædictam ita-
 “que conventionem firmiter observandam, bonâ
 “fide et sine malo ingenio, domino Regi et *Henrico*
 “filio suo, et heredibus suis, a *Willelmo* Rege
 “*Scotiæ*, et *David* fratre suo, et a Baronibus suis
 “prædictis, et ab heredibus eorum, assecuravit ipse
 “Rex *Scotiæ* et *David* frater ejus, et omnes Barones
 “sui prænominati, sicut ligii homines domini Regis,
 “contra omnem hominem, et *Henrici* Regis filii
 “sui, salva fidelitate domini regis patris sui.”

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(Benedictus Abbas, pp. 113, 116, 118.)

[1175 On the completion of this business at *Nottingham*, the King proceeded to *York* and arrived there on the festival of *St. Lawrence*, and there *William*, King of *Scotland*, met him; and he had brought with him all the Bishops, Earls, Barons, Knights and Tenants in chief of his country from the greatest unto the least, there to do homage and swear allegiance and fealty to the King of *England* and his heirs for ever, against all men, as had been agreed upon between them at *Falaise* in *Normandy*, before the King of *Scotland* was released from his prison. And so when they were all assembled in the cathedral of *St. Peter* at *York*, *William*, King of *Scotland*, bade the Bishops and Earls and Barons of his land to declare their allegiance, fealty and homage to *Henry*, King of *England*, son of the Empress *Maud* and to King *Henry*, his son: and so they did. And first of all the King of *Scotland* himself and *David*, his brother, there became the men of the aforesaid King and

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made declaration of their allegiance and fealty to him, for all their tenements, and in particular for *Scotland* and *Galloway*. And they swore allegiance and fealty to him against all men, by touching the Holy Evangelists; and afterwards they became the men of the King, his son, and swore fealty to him, save only the fealty due to his father. In like manner, at the command of the King of the *Scots*, the following men swore fealty and allegiance to them and to their heirs for ever: *Richard*, Bishop of *St. Andrews*, *Jocelyn*, Bishop of *Glasgow*, *Richard*, Bishop of *Dunkeld*, *Christian*, Bishop of *Galloway*, *Andrew*, Bishop of *Caithness*, *Simon de Toeni*, Bishop of *Moray*, the Abbot of *Kelso*, *Laurence*, Abbot of *Melrose*, the Abbot of *Newbottle*, and in addition to them all the Abbots of his land. The aforesaid Bishops also swore that if the King of *Scotland* should refuse to keep the covenant and final agreement, which he had made with the King of *England*, they would place him and his whole country under an interdict, until he came to terms with the King of *England*. They also swore that they would make the same subjection to the *English* Church as their predecessors had been wont to do to this same Church, which was their bounden duty. In like manner the Earls and Barons of the land of the King of *Scotland*, at his command, became the men of the King of *England* and of his son *Henry*, save only in the fealty due to his father. And this fealty and allegiance they swore against all men, to wit Earl *Duncan*, the Earl of *Angus* and Earl *Waltheof*. And they swore that if the King of *Scotland* were to fail to abide by the agreement aforesaid, they would hold with the King of *England* against him, until he made fitting amends and submitted to the King's will. Then indeed in the presence of all, the King of *England* caused the following agreement which had been made between him and the King of *Scotland* to be read and to be confirmed with the seals of the King of *Scotland* and of *David* his brother: "This is the agreement and fine which *William*, King of *Scotland*, made with his Lord *Henry*, King of *England*, son of the Empress *Maud*. *William*, King of *Scotland*, became the liege man of the Lord King, against every man, for *Scotland* and for all his other lands, and promised him fealty, as to his liege Lord, as his other men are themselves wont to promise it to him. In like manner he did homage and fealty to his son, King *Henry*, saving only the fealty due to the King his father. And all the Bishops and Abbots and clergy of the land of the King of *Scotland* and their successors, from whom he may wish to

have it, will do fealty to the Lord King, as to their liege lord, as his other Bishops are wont to do, and to his son King *Henry* and their heirs. The Earls also and Barons and other men of the land of the King of *Scotland* from whom the Lord King may wish it, will do him homage, against every man, and fealty, as to their liege lord, as his other men are wont to do; and also to King *Henry*, his son and to his heirs, saving the fealty due to his father the Lord King. In like manner the heirs of the King of *Scotland* and of the Barons and of their men, will do homage and allegiance to the heirs of the Lord King against every man. Besides the King of *Scotland* and his before-mentioned Barons have given security that they, in all good faith and without fraud and without hindrance, will cause the Bishops and Barons and men of his land, who were not present when the King of *Scotland* came to a final concord with the Lord King, to do the same allegiance and fealty to the Lord King and to *Henry*, his son, as they themselves have done; and that the Barons and men, who were not present, will deliver hostages to the Lord King, from whom it may be his good pleasure to have them. Moreover the Bishops, Earls and Barons have agreed with the Lord King and his son *Henry*, that if the King of *Scotland*, by any chance, should fall away from his allegiance to the Lord King and to his son and the aforesaid convention, they will hold with the Lord King, as with their liege lord, against the King of *Scotland* and against all men who are enemies of the Lord King; and the Bishops will place the land of the King of *Scotland* under an interdict until he return to his allegiance to the Lord King. That this said agreement should be steadfastly observed in good faith and without fraud, to the Lord King and *Henry* his son and his heirs by *William*, King of *Scotland* and *David* his brother and by his Barons aforesaid and by their heirs, the King of *Scotland* himself and *David* his brother have given their pledge, and all his Barons before-mentioned, as liege men of the Lord King, against all men, and of his son King *Henry*, save in the fealty due to the Lord King his father." (Abbot Benedict, pp. 113, 116, 118.)]

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1175 Comites et Barones, et omnes majores et potentiores per regnum *Scotiæ* cum Rege suo *Willielmo* ligeantiam fecerunt, et obsides dederunt, et Episcopi ejusdem regni in verbo veritatis fidelitatem juraverunt *Henrico* Regi *Angliæ*, in civitate Eborum. (Mailros.)

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[1175 The Earls and Barons and all the great and powerful men throughout the kingdom of *Scotland* with their King *William* did allegiance and gave hostages. And the Bishops of the same realm swore by their truthful word fealty to *Henry*, King of *England*, in the city of *York*. (Chronicle of *Melrose*.)]

1176 *Gilbert*, the son of *Fergus*, a Lord of *Galloway*, by the command and direction of *WILLIAM*, King of Scots, performs homage, and takes the oath of fealty to *Henry II.* against all men.

1176 Itaque celebrato concilio apud *Windsoueres*, ut supradictum est; Rex circa Festum Sancti *Dionysii* venit usque *Fecheham*: et ibidem venit ad eum *Willielmus* Rex *Scotiæ*. Et duxit secum *Gilebertum* filium *Fergii* qui fratrem suum *Huctredum*, ut supradictum est, interfecerat. Et ipse *Gilebertus*, facta pace cum domino Rege de morte fratris sui, qui cognatus Regis erat, devenit homo ipsius, et fidelitatem ei juravit contra omnes homines. (Benedictus Abbas, p. 155.)

[1176 And so, having held his Council at *Windsor* as is aforesaid, the King, about the feast of *St. Denis*, came to *Feckenham*, and thither there came to him, *William*, King of *Scotland*, who brought with him, *Gilbert*, the son of *Fergus*, who had slain his brother *Uchtred*, as is aforesaid. And *Gilbert*, having made his peace with our Lord the King for the death of his brother, who was the King's relative, himself became his man, and swore fealty to him against all men. (Abbot Benedict, p. 155.)]

1186 The King of Scots and his brother repair to the Court of *Henry II.* by his command; and afterwards, by his further command, the Scots assist in distraining *Roland*, the son of *Uchtred*, to submit to the judgment of *Henry's* Court—*Roland* is compelled to obey—as to the lands of his uncle *Gilbert*, the son of *Fergus*, claimed by *Duncan*, *Gilbert's* son, he is to abide by the judgment of the Court of the King of *England*; and furthermore, by the command of *WILLIAM*, King of Scots, he took the oath of fealty to *Henry*, King of *England*, and his heirs against all men.

1186 *Willielmus* Rex *Scotiæ*, et *David* frater ejus, per mandatum Regis ad curiam suam vene-

runt, adducentes secum *Jocelinum* Episcopum *Glas-* Part II.
cuensem, et Abbatem *Arnaldum* de *Mailros*, et PICTS
 Comites, et Barones de Regno *Scotiæ*: quos domi- AND
 nus Rex honorifice suscepit, et eos aliquot diebus SCOTS.
 circa se tenuit, satisque humanum ac familiarem
 se illis exhibuit, ut hujuscemodi re animos eorum
 in suos conatus erigeret. Et post paucos dies,
 accepta a supradictis Comitibus et Baronibus *Scotiæ*
 securitate de fide sibi servanda, et acceptis ab eis
 obsidibus, misit eos in patriam suam, et præcepit
 eis, ut debellarent *Rolandum*, filium *Uctredi*; nisi
 ad curiam suam venire vellet, et juri stare super
 hoc, quod contra prohibitionem illius et justiciario-
 rum suorum, terram *Gilleberti* filii *Fergii*, et aliorum
 Baronum *Galueyæ*, cum hostili manu intraverat,
 et sibi subjugatam occupaverat, vel obtinuerat.
 Cumque præfatus *Rolandus* hæc audisset, collecta
 equitum peditumque multitudine copiosa, introitus
Galueyæ et vias ejus, quantum potuit, impedit,
 semitruncatis et cæsis arboribus positus secus vias.
 Nec mora, *Henricus*, Rex *Angliæ*, magnum con-
 gregavit exercitum de universis provinciis *Angliæ*,
 et veniens usque *Karleolum*, misit inde *Willelmum*,
 Regem *Scotiæ* et *David* fratrem suum, ut *Rolandum*
 ad eum ducerent^a. (Benedictus Abbas, pp. 447,
 448.)

[1186 *William*, King of *Scotland* and *David* his brother, at
 the King's command came to his Court, bringing with them
Jocelyn, Bishop of *Glasgow*, and *Arnold*, Abbot of *Melrose*, and
 the Earls and Barons of the realm of *Scotland*. The King
 received them with honour and kept them by him for some
 days and showed himself very kindly and friendly to them in
 order that by such behaviour he might encourage their minds
 to interest in his undertakings. A few days later after receiving
 from the above-mentioned Earls and Barons of *Scotland* surety
 that allegiance to him would be strictly observed and also

^a An account of his submission then follows; after which
 it is stated, that he took the oath of fealty without reservation,—
Juravit etiam fidelitatem Regi Angliæ et hæredibus suis, per
præceptum Regis Scotiæ, contra omnes homines [He also, at
 the command of the King of *Scotland*, swore fealty to the King
 of *England* and his heirs, against all men].

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receiving hostages from them, he sent them back to their country and enjoined upon them to make war upon *Roland*, son of *Uchtred*, unless he was willing to come to his court and take his trial upon the charge that, in contravention of his prohibition and that of his justiciars, he had entered with an armed force the land of *Gilbert*, son of *Fergus*, and that of other Barons of *Galloway*, and after subjugating it, had seized it and held it. When the aforesaid *Roland* heard this, he collected an abundant force of horsemen and footmen and, as far as he was able, blocked up the approaches of *Galloway* and its roads by placing felled trees partly lopped athwart the roads. Without delay, *Henry*, King of *England*, assembled a large army from all the provinces of *England* and coming to *Carlisle*, sent thence *William*, King of *Scotland* and *David*, his brother, to bring *Roland* to him. (Abbot Benedict, pp. 447, 448.)]

17 Apr.—5 Ric. I.—Charter by which *Richard*, King of *England*, confirms to the King of *SCOTLAND*, his liege man, the several rights and privileges which the predecessors of the King of *SCOTLAND* were accustomed to enjoy when journeying to the court of the King's predecessors, Kings of *England*, and when attending such court, and returning home from the same, viz.

For each and every day after he shall, in pursuance of the King's command or summons, have passed the frontiers of his kingdom, in journeying towards the court of the King of *England*, One Hundred Shillings, and as much for every day of his journey homewards, after departing from the court, until he shall have re-entered his own land.

During every day that the King of Scots shall be in attendance at the court of *England*, to wit, from his arrival until his departure, he shall receive the following fee and living—Thirty Shillings sterling in money, Twelve Cakes or Wastels, Twelve Simnels, Four quarts of Wine, and Forty Candles, all of the same quality as are supplied to the Royal Household for the use of the King. Moreover, Eight quarts of other Wine, Two Pounds of Pepper, Four Pounds of Cinnamon, and Two Stone of Wax (or Four Wax Candles in lieu thereof)—quality not specified.

Furthermore, he shall have such escort or convoy as his predecessors have had when proceeding to the King's court, and departing from the same. The Bishop of *Durham*, and the Sheriffs and Barons of *Northumbria*, shall meet him on the confines of his kingdom, and receive him and escort him as far as the Tees. At the Tees the Archbishop of *York* and the Sheriff and Barons of *York* shall receive him and escort him even to the Bishopric of *Lincoln*: and upon his entry into the Bishopric of *Lincoln*, the Bishop, and the Sheriff, and the Barons of the Shire, shall receive him, and escort him through their several Bailliwicks, and so shall the Bishops and Sheriffs of the other Dioceses and Shires through which he shall pass, until he shall arrive at the King's court.

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And it is the King's will and pleasure, that *William*, King of Scotland, and his heirs, shall hold and enjoy the same perquisites of the King and his heirs for ever. And also all his expenses in arresting those fugitives who are willing to stand their trial for felonies in the King's court; and who are in the peace, or under the protection, of him, the King of Scotland.

Richardus, Dei gratia, Rex Angliæ, Dux Normannie, Aquitanie, Comes Andegavie, Archiepiscopus, Episcopus, Abbatibus, Comitibus, Baronibus, Justiciariis, Vicecomitibus, Seneschallis, Præpositis, Ballivis, et omnibus Ministris et fidelibus suis totius terræ suæ, salutem.—Noverit universitas vestra, nos concessisse et presenti charta nostra confirmasse, *Willielmo* illustri Regi Scotiæ carissimo amico et consanguineo et fidei nostro, et heredibus suis, in perpetuum, de nobis et heredibus nostris, omnes libertates et rectitudines plenarie, quas antecessores sui habere solebant, eundo ad curiam antecessorum nostrorum, et stando ad curiam, et redeundo a curia antecessorum nostrorum. Scilicet, unaquaque die, postquam de mandato nostro transierit fines regni sui versus curiam nostram, centum solidos sterlingorum, et in reditu suo a curia nostra, singulis diebus, tantundem, quousque

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PICTS
AND
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in terram suam venerit; et singulis diebus ex quo venerit ad curiam nostram usque ad recessum suum versus terram suam, triginta solidos sterlingorum, et duodecim de dominicis guastellis nostris, et totidem de semenellis nostris dominicis, et duodecim sextercia vini, quatuor videlicet de dominico vino nostro unde nobis servitur. Et duas petras ceræ, vel quatuor cereos, et quadraginta candelas de dominicis candelis unde nobis servitur, et duas libras piperis et quatuor libras cinnamomi; et preterea conductus quos antecessores sui habere solebant, eundo usque ad curiam nostram et redeundo a curia nostra: scilicet quod Episcopus *Dunelmensis* et Vicecomes, et Barones *Northumbriæ*, ad ipsum venient in finibus regni sui, et ibi eum recipient et conducent usque ad *Teise*, et ibi venient ad eum Archiepiscopus *Eboracensis* et Vicecomes et Barones *Ebor'*, et ibi eum recipient et conducent usque ad Episcopatum *Lincolniæ*: et ibi ad eum venient Episcopus *Lincolniæ* et Vicecomes et Barones provinciae, et eum recipient, et per ballivas suas conducent: et sic deinceps Episcopi et Vicecomites provinciarum per quas ipse transierit, quousque ad curiam nostram venerit. Quare volumus et firmiter præcipimus quod præfatus Rex *Willielmus* et heredes sui, omnia prescripta habeant de nobis et heredibus nostris in perpetuum, et in expensis, et in conductibus, et in fugitivis qui de felonia se defendere voluerint ad curiam nostram in pace sua ducendis, et in omnibus aliis sine aliqua diminutione: præcipientes ut prefati Episcopi et Vicecomites et Barones ei predictos conductus facient, et omnes alias rectitudines et libertates suas conservent, et ut Vicecomites predicti in Ballivis suis prescriptas expensas in eundo ad curiam nostram et redeundo a curia nostra plenarie invenient, donec in terram suam venerit. Testibus hiis *H. Cantuar.* Archiepiscopo. *H. Dunelm.* Episcopo. *R. Londoniens.* *H. Linc.* *S. Cicestr.* *G. Rouecester.* *W. Hereford.* *H. Wigorn.* Episcopis. *R. Com. Cestr.* *H. Com. de Warren.* *R. Com. de Clare.* *R. Bigot,* Com. *Norff.* Comite *David.* *W.*

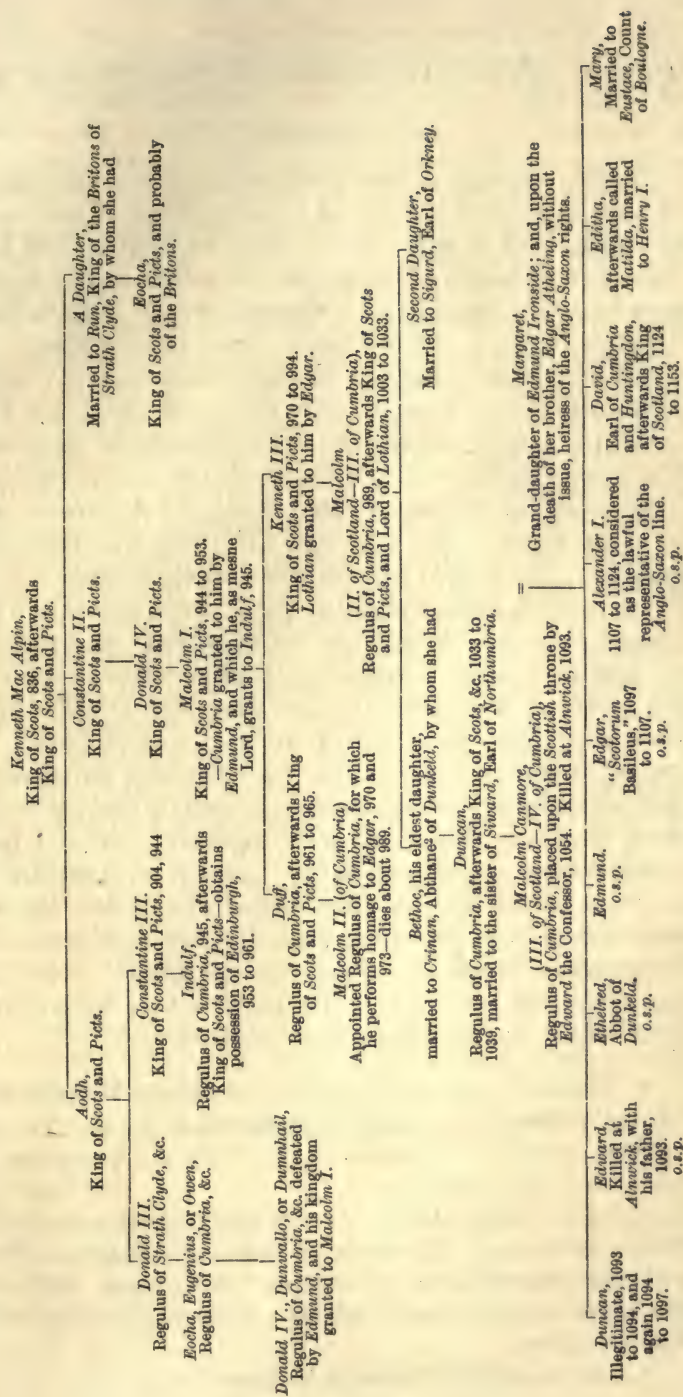
Com. de *Ferrariis*. *W. Maresc.* *W. de Stutteville.* **Part II.**
Eustach. de Vessi. *Gaufr. filio Petri.* *H. Bard.* **PICTS**
W. Briewer et multis aliis. *Dat. per man. W. Elien.* **AND**
Ep. Cancellar. nostri apud Winton, xvii die Aprilis **SCOTS.**
anno quinto regni nostri. (Ayloffe's Calendars,
p. 348, from the original in the Chapter-House.)

[*Richard*, by the grace of God, King of *England*, Duke of *Normandy* and *Aquitaine*, Earl of *Anjou*; to the Archbishops, Bishops, Abbots, Earls, Barons, Justiciars, Sheriffs, Seneschals, Reeves, Bailiffs and all Ministers and all his faithful men of the whole of his land, greeting: Be it known to all of you that we have granted and by this our present charter have confirmed, to *William*, the illustrious King of *Scotland*, our dear friend and relative right trusty, and to his heirs for ever, of us and our heirs, all the liberties and rights, in all their fulness, which his predecessors were accustomed to have, in going to the court of our predecessors and in attending at that court and in returning from the court of our predecessors. To wit, on each and every day, after, in accordance with our command, he crosses the boundaries of his kingdom on his way to our court, one hundred shillings sterling, and on his return from our court, on each single day, the same amount, until he reach his own land; and on each single day from the time when he comes to our court until his return to his own land, thirty shillings sterling and twelve of our household wastels and as many of our household simnels, and twelve quarts of wine, four to wit of our household wine wherewith we are served. And two stone of wax or four waxen candles and forty candles of our household candles wherewith we are served, and two pounds of pepper and four pounds of cinnamon; and in addition the escort which his predecessors were accustomed to have in coming to our court and in returning from our court: to wit that the Bishop of *Durham* and the Sheriff and the Barons of *Northumbria* shall come to him at the boundaries of his kingdom, and there shall receive and conduct him as far as the *Tees*, and the Archbishop of *York* and the Sheriff and the Barons of *York* shall come to him there and they shall receive him and conduct him as far as the Bishopric of *Lincoln*: and the Bishop of *Lincoln* and the Sheriff and Barons of the county shall come to him there and receive him and conduct him through their bailliwicks, and so in succession the Bishops and Sheriffs of the counties through which he goes, until he come to our court. Wherefore it is our will and we do strictly enjoin that

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the aforesaid King *William* and his heirs shall have all the above-mentioned privileges of us and our heirs for ever, both in expenses and escorts and in the arresting of fugitives who wish to stand their trial for felony at our court and are in his peace and protection, and in all other matters without any diminution whatsoever: and we do enjoin that the above-mentioned Bishops and Sheriffs and Barons shall supply him with the above-mentioned escorts and preserve all his other rights and liberties and that the above-mentioned Sheriffs in their Bailliwicks shall furnish, in all their fulness, the above-written expenses in coming to our court and in returning from our court, until he shall have come to his own land. These being witnesses: *H. Archbishop of Canterbury; H. Bishop of Durham; R. Bishop of London; H. Bishop of Lincoln; S. Bishop of Chichester; G. Bishop of Rochester; W. Bishop of Hereford; H. Bishop of Worcester; R. Earl of Chester; H. Earl of Warenne; R. Earl of Clare; R. Bigot, Earl of Norfolk; Earl David; W. Earl of Ferrers; W. the Marshal; W. de Stuteville; Eustace de Vesci; Geoffrey Fitz-Peter; Hugh Bardulf; William Briwere;* and many others. Given under the hand of *William of Ely*, Bishop, our Chancellor, at *Winchester* on the 17th day of April in the fifth year of our reign.]

GENEALOGY OF THE SCOTO-PICTISH, SCOTO-CUMBRIAN, AND SCOTO-SAXON KINGS*. 1



* Those Branches which are not connected with the History of Strath Clyde and Cumbria are omitted. (See Chalmers, I., p. 416.)

Part II.

ROYAL STYLE,—OFFICERS OF THE CROWN, &c.

KINGS.

Cyng, or Konung,
probably derived
from the Celtic
Can, or Cean,
i.e. head or chief-
tain.

THE etymology of this word is important: because the idea which it conveys,—*viz.* of a Ruler placed at the head of the state, both in peace and in war, the leader,—the legislator, and sovereign of the people,—does not appear to have been known to the primitive Teutonic tribes. On the whole I incline to the Celtic derivation, from *Can*, or *Cean*. My Celtic friends are strangely unwilling to accept the honour of furnishing the Teutons with the royal title; and I am asked by a most intelligent and philosophical inquirer,—how came a Celtic word to spread from the Alps to the North Sea,—from the Thames to the Danube? An answer may be easily found to this question. The title was diffused by imitation, and it followed the tribes as they advanced. In the days of Ulphilas, and before the Teutons settled on Celtic ground, the word “King” was not employed^a, and therefore we possess, at least, a chronological proof that the term was not invented until after the age when the Teutons might have learnt their lesson either in Britain or in Gaul. But can any better solution be suggested? Amongst the numerous derivations from Teutonic roots, proposed by various writers, there are many displaying great ingenuity, but not many which possess much plausibility^b; and if we compare the laborious efforts made by the learned to establish the Teutonic ancestry of the word, with the easy and simple idea suggested by “*Cean*,”—“*Head*,” or “*Chieftain*,”—the Celtic hypothesis will gain more by the parallel, than by any argument which can be adduced in its favour^c.

^a *Thiudans* is the term employed in the Gothic version for “King.” *Thiudinassus* and *Thiudangardi*, kingdom. The root is *Thiod*, people, but the process by which the derivatives are formed is not obvious.

^b From *Konnen*, to be able (Wachter, Adelung), or from *Kennen*, to know, or to be knowing (Ihre); from *Hund*, or *Chund*, a hundred, the ruler of the Centena. From *Kind*, child; from *Cyn*, tribe, or kindred, and with the patronymic, the Child of the Nation. (Allen.)

^c *Cean* is evidently the same as *Khan*.

There are two objections, however, which deserve notice. **Part II.**

I. *Cean* is not found in the Cymric of Wales, nor do any of the Celtic dialects apply it to the royal authority.—The facts are correct, but not the inferences. We do not possess a sufficient stock of Celtic materials to decide upon negative evidence; and though the Welsh, according to the peculiarity of their idiom, pronounce *Pen* instead of *Cen*^a, still the word existed in the latter form, i.e. *Cen*, amongst the Britons of Strath Clyde^b.

Objections—and their answers.

II. The Scandinavian *Konungur* appear in many gradations of dignity. The *Herr-Konung* was only the general or leader of the Host. The *Sio-Konung*, or sea-king, headed the pirate fleet. The *Fylkis-Konung* governed the "*Fylke*," or Clan-land; and the *Nesse-Konung* claimed to be the monarch of a single *Nesse*, or rather of the land, terminated by the promontory jutting into the wave^c. It is also evident that the Anglo-Saxon chieftains of minor power were denominated *Kings*; and hence it may be argued that the title had no peculiar importance: but in Norway, where the title *Konung* was most generalized, it was still considered so emphatic, that the chieftain, when he descended from his sovereign estate, resigned the name of King, for the express purpose of testifying to his vassalage. The sovereign of a very small territory might deem himself equal in dignity to the ruler of a wider realm, however inferior he might be in power. (See below, p. 690.)

THE TITLE OF BASILEUS.

THIS title was exclusively claimed by the Byzantine emperors^d. The Bulgarian sovereigns usurped the name of

Imperial title of "Basileus" specially assumed by the Anglo-Saxon Kings.

^a This permutation disguises the identity of many Cymric and Gaelic words. *Pren*, *Crann* (tree), *Pedwar*, *Cathair* (four), *Pasc*, *Casc* (Pascha).

^b As appears from the etymology of the name of *Ken-tigern* (Part I., p. 346).

^c See *Ihre*.

^d *Basilei seu βασιλέως titulum Imperatores Byzantini nulli alii principi præterquam sibi persuasum habebant, cæteros Πῆγας seu Reges appellantes.....Hanc porro Basilei appellationem videntur sibi præ cæteris arrogasse veteres Angliæ Reges.* (Du Cange, I. 1055.)

[The Byzantine Emperors allowed the title of *Basileus* or

Part II.

"Basileus," but the imperial style was not given to them by other powers^a; nor was it assumed by any sovereign of the West, except the Anglo-Saxon kings, and most evidently was it taken by them as denoting their imperial dignity^b. The title of Basileus appears on the seal of the Scottish Edgar, either in imitation of his Anglo-Saxon ancestors, or, as asserting his claim to their inheritance. The styles of the later Anglo-Saxon monarchs are much diversified. Few are found in which the imperial dignity is not either expressed or implied^c. If it be repeated that such documents are only

Βασιλεύς to no other princes save themselves, calling the others Kings or Πῆγες. Furthermore the ancient Kings of *England* seem to have arrogated to themselves this appellation of Basileus in contradistinction to others.

^a Du Cange, III. 1334.

^b Imperatoris titulum sibi arrogasse Reges *Anglo-Saxonici* ex hoc patet, quod *Basileas* sese passim indigitarent, quæ vox Imperatorem tum sonabat. (Du Cange, III. 1335.)

[From this it is evident that the *Anglo-Saxon* Kings usurped the title of Emperor, because they called themselves frequently *Basileus*, a word which at that time denoted Emperor.]

^c The following *styles* have been excerpted as exemplifying this position: it will be seen how the titles of imperial import predominate.

ÆTHELSTANE.

Æthelstan, Dei providentia gubernante Rex *Anglorum**. 928.

[*Æthelstan*, through the guiding providence of God King of the *English*.]

Æthelstanus, divinæ dispensationis providentiâ, tam super *Brittanicæ* gentis quam super aliarum nationum huic subditarum imperium elevatus Rex†. 930.

[*Æthelstan*, through the providence of Divine dispensation, raised to the place of King over the empire of the *British* people and of the other nations subject to them.]

Æthelstanus Rex *Anglorum*, per omnipotentis dexteram totius *Brittanniæ* regno sublimatus‡. 938.

[*Æthelstan*, King of the *English*, raised to the throne of the whole of *Britain* by the right hand of the Almighty.]

Æthelstan Rex totius *Britanniæ*§.

[*Æthelstan*, King of the whole of *Britain*.]

* Hem. p. 67.

† Hem. p. 11.

‡ See above, p. 375.

§ On his coins. (Ruding, p. 253.)

the fancies of the ignorant monks who penned the charters, **Part II.**
I can only reply, that all our history depends upon such evidence. Nor is it very philosophical to describe these high sounding phrases as pompous affectations of power—unless we admit that all pomp is affectation.

*Æthelstan Rex Saxonum**.

[*Athelstan*, King of the Saxons.]

Athelstan Anglorum Basyleus et Curagulus totius Britannicæ†.

[*Athelstan*, Basileus of the *English* and Guardian of the whole of *Britain*.]

EDRED.

*Eadredus Rex Anglorum gloriosissimus, rectorque Northanhumbro-
rum, et Paganorum Imperator, Brittonumque propugnator*‡.
949.

[*Edred*, most glorious King of the *English*, and ruler of the *Northumbrians*, Emperor of the *Pagans*, and champion of the *Britons*.]

Edred, divina gratia favente, Rex et Primicerius totius *Albionis*§. 955.

[*Edred*, by the favour of God's grace King and Chief of the whole of *Albion*.]

EDWI.

*Eadwui, nutu Dei Angulsaxna et Northanhumbro-
rum imperator, Paganorum gubernator, Breotonumque propugnator*||. 956.

[*Eadwi*, by the will of God emperor of the *Anglo-Saxons*

* On his coins. (Ruding, p. 253.)

† Inscription in the volume of the Gospels given by Athelstane to the Cathedral of Canterbury. (Bib. Cott. Tiberius A ii.) The following laudatory verses, also contained in the same manuscript, were evidently composed in the lifetime of Athelstane. They may be considered as a supplement to his titles:—

Rex pius *Æthelstan*, patulo famosus in orbe
Cujus ubique viget gloria, lausque manet.
Quem Deus *Angligenis* solii fundamine nixum,
Constituit Regem, terrigenisque ducem.
Scilicet ut valeat reges, Rex ipse, feroces,
Vincere bellipotens, colla superba terens.

[The good King *Athelstan*, whose fame is known in the wide world
And whose glory flourisheth everywhere and whose praise abideth.
For him, firmly stablished on the throne, did God
Make King for the *English* and leader for the people of the earth,
That, mighty in war, I ween, and a King himself,
He might overthrow fierce Kings, galling the necks of the proud.]

‡ See above, p. 386. § Mon. I. 51. || See above, p. 388.

Part II.

and the *Northumbrians*, governor of the *Pagans*, and champion of the *Britons*.]

EDGAR.

Altitonantis Dei largiflua clementia, &c. *Edgarus Anglorum* Basileus, omniumque regum insularum oceani qui *Britanniam* circumjacent cunctarumque nationum quæ infra eam includuntur, Imperator et Dominus...*Edgar* Basileus *Anglorum*, et Imperator regum gentium*. 964.

[Through the copious clemency of high-thundering God, etc., *Edgar*, Basileus of the *English* and of all the kings of the isles of the sea, which lie around *Britain*, and Emperor and Lord of all the nations which are included under it...*Edgar*, Basileus of the *English*, and Emperor of the Kings of the nations.]

Edgar divina allubescence gracia Rex et Primicerius totius *Albionis*†. 966.

[*Edgar*, by the favour of divine grace King and Chief of the whole of *Albion*.]

Ego *Edgar* totius regni Rex citra mare,...scripta est hæc cartula Incarnationis Anno Dom. deccclxvi, testibus hiis conscientibus quorum hic nomina signantur, secundum regis benevolenciam‡. 966.

[I, *Edgar*, King of the whole Kingdom on this side of the sea...this charter is written in the year of Our Lord's Incarnation 966, with the consent of those witnesses whose names are here signed, in accordance with the King's benevolence.]

Ego *Edgar* totius *Britanniæ* Basileus.

[I, *Edgar*, Basileus of the whole of *Britain*.]

Ego *Edgar* Rex *Anglorum*§.

[I, *Edgar*, King of the *English*.]

Eadgar Rex *Anglorum* cum *Northymbra* regimine, ac progenie *Paganorum Britonumque* prosapia sublimiter roboratus||. 968.

[*Edgar*, King of the *English*, with the governance of *Northumbria*, and confirmed on high by the progeny of the *Pagans* and the race of the *Britons*.]

Edgar divina collubescence gratia totius *Albionis* Rex Primicerusque¶. 968.

[*Edgar*, through the favour of God's grace, King and Chief of the whole of *Albion*.]

Ego Rex *Edgarus* Basileus dilectæ insulæ *Albionis*, subditis

* See above, p. 390. † Mon. I. 49. ‡ Mon. I. 57.

§ Mon. I. 50. || Mon. II. 323. ¶ Smith's Bede, App. 774.

nobis sceptris *Scottorum, Cumbroꝝ*que atque *Brittonum* et **Part II.**
omnium circumeirca regionum*. 970.

[I, King *Edgar*, Basileus of the beloved island of *Albion*, after having subjected to our rule the kingdoms of the *Scots, Cumbrians*, and *Britons* and all the regions round about.]

Ego *Edgar* divina allubescence gratia tocius *Albionis* Imperator Augustus†. 970.

[I, *Edgar*, through the favour of God's grace, Emperor Augustus of the whole of *Albion*.]

Edgar totius *Britanniæ* insulæ regimine Domini largiente gratiâ gubernans.

[*Edgar*, through the bounteous grace of the Lord, governing with my rule the whole island of *Britain*.]

Ædgar Rex tocius *Britanniæ*‡. 971

[*Ædgar*, King of the whole of *Britain*.]

Edgar divina dispositione Rex *Anglorum* ceterarumque gentium in circuitu persistencium gubernator et rector*. 971.

[*Edgar*, by divine dispensation King of the *English*, and governor and ruler of the other peoples existing in the circuit.]

Edgarus Rex et Basileus totius *Angliæ*§. About 971.

[*Edgar*, King and Basileus of the whole of *England*.]

ETHELRED.

Æthelredus per omnipotentis nutum totius *Albionis* Basileus||. 984.

[*Ethelred*, by the decree of the Almighty, Basileus of the whole of *Albion*.]

Ego *Æthelredus* gracia Dei sublimatus Rex et Monarchus tocius insulæ *Britanniæ*¶. 987.

[I, *Ethelred*, by the grace of God raised to be King and Monarch of the whole island of *Britain*.]

Ethelredus gratia Dei Rex *Anglorum* et Patricius *Nordan-hymbroꝝ***.

[*Ethelred*, by the grace of God King of the *English* and Patrician of the *Northumbrians*.]

Æthelred totius *Britanniæ* Basileus||. 999.

[*Ethelred*, Basileus of the whole of *Britain*.]

* See above, pp. 393, 395.

† Mon. I. 58.

‡ See above, p. 395.

§ See above, p. 399.—Mon. I. 383, 384.

|| See above, pp. 313, 315, 318.

¶ Mon. I. 15.

** Mon. I. 51.

Part II.

Ethelredus Rex nationum totius gentis *Britanniæ**. 1012.

[*Ethelred*, King of the nations of the whole people of *Britain*.]

In nomine Domini Dei omnipotentis. Ego *Æthelredus* Dei gratiâ gentis *Anglicæ* Rex, et Monarcha etiam aliarum insularum circumjacentium †.

[In the name of the Lord God Almighty. I, *Ethelred*, by the grace of God, King of the *English* people and Monarch also of the other islands that lie around.]

Ego, gratiâ summi tonantis, *Angligenum Orcadarum*, necne in gyro jacentium Monarcha *Æthelredus Anglorum* Induperator†. 1006.

[I, by the grace of Him that thundereth on high, *Ethelred*, Emperor of the *English*, Monarch of the *English-born* people of the *Orkneys*, and also of those islands that lie within the circuit.]

CANUTE.

Cnut, King of all *England*, and of the *Danes*, and of the *Norwegians*‡.

Ego Imperator *Knut*, a Christo rege regum regiminis *Anglici* in insula potitus. *Knut*, gubernator *Anglici* orbis§. 1018.

[I, the Emperor *Canute*, granted possession of the rule of *England* by Christ the King of Kings. *Canute*, governor of the island of *England*.]

EDWARD THE CONFESSOR.

Edwardus, suprema gratia largiente, *Anglorum* regalia sceptrâ gubernans||. 1065.

[*Edward*, by the bounteous grace of the Most High, wielding the royal sceptre of the *English*.]

Edwardus, *Ethelredi* Regis filius, gratia Dei *Anglorum* Rex¶. 1066.

[*Edward*, son of King *Ethelred*, by the grace of God King of the *English*.]

Eadwerd Cyng, and *Englalandes* Wealdend**.

[*Edward* King and Wielder of *England*.]

Eadwardus Anglorum Basileus††.

[*Edward*, Basileus of the *English*.]

* See above, pp. 313, 315, 318.

† Preamble of his Laws.

|| Mon. I. 259.

** Mon. I. 100.

†† On both sides of his great seal.

† Concilia I. 283, 284.

§ Concilia I. p. 296.

¶ Mon. I. 293.

In the ancient order or ritual, supposed, but perhaps on **Part II.** insufficient evidence, to have been framed for the coronation of Ethelred¹, the “dominion over the *Angles* and *Saxons*” is given to the sovereign^a. In another form of consecration the “kingdoms of the *Saxons*, *Mercians*, and *Northumbrians*” are enumerated as constituting the empire^b. The smaller states or dependencies passed with the kingdoms to which they were annexed. There seems to have been a distinct inauguration for each kingdom, and one consecration for the empire—distinct inaugurations, as forms required by the Civil Legislature—one coronation and consecration, according to the rites which the Church had prescribed.

WILLIAM THE CONQUEROR.

Willielmus Dei dispositione, et consanguinitatis hæreditate *Anglorum* Basileus, *Normannorumque* Dux et Rector*.

[*William*, through God’s disposition and through heredity of blood relationship Basileus of the *English* and Duke and Ruler of the *Normans*.]

Willielmus Dei gracia Rex *Anglorum* hæreditario jure factus†.

[*William*, by God’s grace, made, by hereditary right, King of the *English*.]

Ego *Wilhelmus* victoriosus *Anglorum* Basileus‡. 1068.

[I *William*, the victorious Basileus of the *English*.]

^a The following extracts contain the most important portions of the ritual:

Hæc tria populo Christiano et mihi subdito in CHRISTI promitto nomine.

In primis, ut Ecclesia Dei et omnis populus Christianus veram pacem, nostro arbitrio, in omni tempore servet.

Aliud, ut rapacitates et omnes iniquitates omnibus gradibus interdicam.

Tertium, ut in omnibus judiciis æquitatem et misericordiam præcipiam, ut mihi et vobis indulgeat suam misericordiam clemens et misericors Deus qui vivit, &c.

[These three promises I make in the name of CHRIST to the people, Christian and my subjects.

Firstly, that the Church of God and all the Christian people shall at all times have true peace to the best of my power.

Secondly, that I shall forbid all acts of rapine and wrongdoing in all classes of the community.

^b See below, p. 671.

* Mon. VI. 27.

† Mon. I. 237.

‡ Hickee, Diss. Epist. 77.

Part II.

Thirdly, that I shall order and require equity and mercy in all judgments, so that the merciful and gracious God who liveth etc. may show me and you his mercy.]

Designatio Statûs Regis.—Sta, et retine amodo statum, quem hucusque paterna suggestionem tenuisti hereditario jure, tibi delegatum per auctoritatem Dei omnipotentis et per presentem traditionem nostram, omnium scilicet episcoporum cæterorumque Dei servorum; et quanto clerum sacris altaribus propinquiores prospicis, tanto ei potiores in locis congruis honorem impendere memineris; quatinus mediator Dei et hominum te mediatorem cleri et plebis in hoc regni solio confirmet, et in regno æterno secum regnare faciat....

[*Designation of the King's Status:*—Stand and hold fast from henceforth the dignity which thou hast hitherto held by hereditary right at thy father's nomination, now delivered unto thee by the authority of Almighty God and at this time by the hands of us, to wit, of all the bishops and all the other servants of God; and as you see the clergy approach nearer to the sacred altars, so much the greater honour you shall remember to pay them in fitting places, so that the mediator between God and men may establish you on this throne of the kingdom as mediator between the clergy and the people and may cause you to reign with him in the eternal Kingdom....]

Respice propitius ad preces nostræ humilitatis, et super hunc famulum tuum illum quem supplicii devotione in regem *Anglorum* vel *Saxonum* pariter eligimus, benedictionum tuarum dona multiplica. Hunc dextrâ tuæ potentiæ semper ubique circumda, quatenus prædicti Abrahæ fidelitate firmatus, Moysi mansuetudine fretus, Josuæ fortitudine munitus, David humilitate exaltatus, Salomonis sapientia decoratus, tibi in omnibus complacere et per tramitem justitiæ inoffenso gressu semper incedat. Hic totius Regni *Anglo-Saxonum* ecclesiam deinceps cum plebibus sibi annexis ita enutriet ac doceat, muniat et instruat, contraque omnes visibiles et invisibiles hostes idem potenter regaliterque tuæ virtutis regimen amministret, ut regale solium, videlicet *Anglorum* vel *Saxonum* sceptrum, non deserat, sed ad pristinæ fidei pacisque concordiam eorum animos, te opitulante, reformet, ut populorum debita subjectione fultus, condigno amore glorificatus, per longum vitæ spatium, paternæ apicem gloriæ tuæ miseratione unita, stabilire et gubernare mereatur. (Bib. Cott. Claudius A iii.)

[Look Thou with favour on the prayers of our humility, and on this Thy servant, him whom we have, with suppliant devotion, elected to be King of the *Angles* and the *Saxons* alike,

do Thou multiply the gifts of Thy blessings. Do Thou always **Part II.** and everywhere surround him with the right hand of Thy power, so that he, strengthened with the faith of Abraham afore-named, supported by the meekness of Moses, armed with the fortitude of Joshua, exalted with David's humility, adorned with Solomon's wisdom, may please Thee in all things and walk ever on the path of justice with unstumbling step. May he henceforth so nourish and teach, so fortify and build up the church of the whole Kingdom of the *Anglo-Saxons* with the people attached to it, and may he likewise so administer with Kingly power the rule of Thy virtue against all visible and invisible enemies, that he be not found wanting to the royal throne, to wit, the sceptre of the *Angles* and the *Saxons*, but that he may reform their minds, with Thy help, to the concord of ancient faith and peace, so that supported by the due subjection of his people, glorified by their deserved love, he may be deemed worthy, through a long span of life, to strengthen and direct, in conjunction with Thy mercy, the high eminence of his father's glory. (Cotton MS. Claudius A iii.)]

^b (See above, p. 669.)

Respice propitius ad preces nostræ humilitatis et super hunc famulum tuum N. quem supplicii devotione in hujus regni Regem pariter eligimus, benedictionum tuarum dona multiplica, eumque dextera potentiæ tuæ ubique circumda, quatinus prædicti Abrahæ fidelitate firmatus, &c.....ut regale solium, videlicet *Saxonum, Merciorum, Nordanchimbrorum* sceptræ non deserat, sed ad pristinæ fidei pacisque concordiam eorum animos, te opitulante, reformet, ut utrorumque horum populorum debita subiectione fultus, cum digno amore glorificatus, per longum vitæ spatium paternæ apicem gloriæ tua miseratione unita, stabilire et gubernare mereatur.

[Look Thou with favour on the prayers of our humility, and on this Thy servant N., whom likewise we with suppliant devotion choose for King of this realm, do Thou multiply the gifts of Thy blessings and everywhere surround him with the right hand of Thy power, so that, strengthened with the faith of Abraham (afore-mentioned) etc., so that he be not found wanting to the royal throne, to wit, the sceptre of the *Saxons, Mercians* and *Northumbrians*, but that he may reform their minds, with Thy help, to the concord of ancient faith and peace, so that supported by the lawful subjection of all these peoples, glorified by their deserved love, he may be deemed worthy, through a long span of life, to strengthen and direct,

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in conjunction with Thy mercy, the high eminence of his father's glory.]

This last form has been preserved under very unaccountable circumstances. The "ordo ad inungendum et coronandum regem" [order for the anointing and crowning of a king], now extant amongst the Cottonian Manuscripts (Tiberius B viii) was transcribed and corrected by the special order of Charles V., who has authorized it by his sign manual.—Ce livre du sacre des Rois de France est a nous Charles le V. de nostre nom Roy de France, et le fimes corriger, ordeiner, escriier, et istorier l'an MCCCLXV.—CHARLES. [This book of the consecration of the Kings of France is ours, Charles V. by title King of France, and we have caused it to be corrected, arranged, written and illuminated in the year 1365—CHARLES.] Great care was bestowed upon the manuscript. It is filled with splendid illuminations, or *historiated* according to the king's directions, and, as Selden observes, it is almost inconceivable that the persons who framed the ritual should have thus transcribed an Anglo-Saxon form without even changing the names of the kingdoms to which the ceremony applied. Yet the fact is incontestable. Possibly the original Anglo-Saxon ritual may yet lurk in some continental library.

OFFICERS OF STATE OF THE ANGLO-SAXON MONARCHY.

THE REFERENDARY—REFERENDARIUS.

(See Part I.,
pp. 143, 144, and
above, p. 274.)

"ANGEMUNDUS" bears this title in the charters of Ethelbert^{a 1}. In the Frankish monarchy, the succession of these officers is deduced from the reign of Clovis. The Referendarius drew or prepared the royal charters, and kept the royal signet—(Du Cange, V. 1227); and he probably held the same station under the early Kentish kings.

THE CHANCELLOR—CANCELLARIUS REGIS.

(See Part I.,
p. 145.)

Spelman finds a Chancellor in the reign of Edward the Elder. From Edgar, the office may be traced more distinctly. *Wulfsey*, or *Woolsey* (an odd coincidence), and *Reinbaldus* successively held this office under the Confessor.

^a See above, pp. 299, 300.

In the reign of the Conqueror, we find *Arfastus*, afterwards **Part II.** Bishop of *Thetford*, at the head of the Bench of "Chaplains," the official predecessors of the Masters in Chancery^a. Under

^a Ego *Willielmus*, Dei dispositione et consanguinitatis hæreditate *Anglorum* Basileus, *Normannorumque* Dux et Rector, cujusdam fidelis mei, *Ingelrici* scilicet, petitione adquiescens et Archiepiscoporum, Episcoporum, Abbatum, Comitum, et universorum procerum meorum sacro consilio parens, omnes possessiones terrarum, quas tempore venerabilis ac dilectissimi cognati et prædecessoris mei Regis *Edwardi* idem *Ingelricus* adquisierat, pro ipsius insignissimi Regis animæ salute, necnon et peccatorum meorum remissione concedo, et regiâ auctoritate imperpetuum corroboro et confirmo Deo et Ecclesiæ *Beati Martini*, quam, infra muros *London*. sitam, præfatus *Ingelricus*, et *Girardus*, frater ejus, de propriis suis redditibus, in delictorum suorum remedium, honorabiliter ad Dei laudem, et canonicalem regulam imperpetuum servandam et tenendam construxerunt. Sunt igitur, &c.

[A description of the tenements.]

Scripta est hæc cartula anno ab Incarnatione Domini 1068, scilicet secundo anno regni mei: peracta verò est hæc donatio die natali Domini; et postmodum in die *Pentecostes* confirmata, quando *Mathilda* conjux mea in basilicâ *S. Petri Westmonasterii* in reginam, divino nutu, est consecrata. Ego *Willielmus*, Rex *Anglorum* et Dux *Normannorum*, sub sigillo sanctæ crucis inclinabiliter consensi atque roboravi. Ego *Matilda*, Regina, consensum præbui. Ego *Ricardus*, Regis filius, annui. Ego *Stigandus*, Archiepiscopus, confirmavi. Ego *Willielmus London*. Episcopus, infra cujus muros præfatum monasterium situm est, signaculo sanctæ crucis subaravi et libertatem omnimodam, quantumcunque meæ pertinet possibilitati, concessi. Ego *Odo Bajocensis* Episcopus, consensi. Ego *Hugo Luxoviensis* Episcopus. Ego *Goisfridus*, Episcopus, corroboravi. Ego *Hermannus*, Episcopus, concessi. Ego *Leovricus*, Episcopus, concessi. Ego *Giso*, Episcopus, concessi. Ego *Eadwinus*, Abbas. Ego *Wolwaldus*, Abbas. Ego *Baldwinus*, Abbas. Ego *Ægelsinus*, Abbas. Ego *Turstinus*, Abbas. Ego *Brand*, Abbas. Ego *Alfwinus*, Abbas. Ego *Ægelwinus*, Abbas. Ego *Sithricus*, Abbas. Ego *Willielmus*, filius *Osberti*, Comes. Ego *Robertus*, frater Regis, Comes. Ego *Eadwinus*, Comes. Ego *Robertus*, Comes. Ego *Marchere*, Comes. Ego *Waldeof*, Comes. Ego *Rogerus de Montgomeri*, Comes. Ego *Ricardus* filius *Gisleberti*, Princeps. Ego *Willielmus Malet*, Princeps. Ego *Arfastus*, Regis Cancellarius. Ego *Michael*, Regis

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Capellanus. Ego *Gislebertus*, Capellanus. Ego *Willielmus*, Capellanus. Ego *Thomas*, Capellanus. Ego *Bernardus*, Capellanus. Ego *Walterus*, Capellanus. Ego *Rodbertus*, Capellanus. Ego *Johannes*, sanctæ Ecclesiæ Romanæ Cardinalis Presbyter, per *Gallias* et *Angliam*, concedente Papâ *Alexandro*, vices apostolicas gerens, huic constitutioni interfui, et quantum apostolicæ sedi pertinuit, libertatem Ecclesiæ præsentî signo confirmavi. Ego *Petrus* sanctæ Romanæ Ecclesiæ similiter Cardinalis Presbyter et Cancellarius, ab eodem Papâ in *Angliam* delegatus, huic constitutioni adquiescens propriâ manu subscripsi. (Mon. VI. 1324.)¹

[I, *William* by the disposition of God and through heredity of blood-relationship Basileus of the *English*, Duke and Ruler of the *Normans*, in acquiescence to a petition of one of my liege men, to wit *Ingelric*, and in obedience to the sacred counsel of the Archbishops, Bishops, Abbots, Earls and all my magnates, do hereby grant all the possessions of lands, which in the time of my venerable and beloved relative and predecessor King *Edward*, this same *Ingelric* had acquired, for the salvation of the soul of this most illustrious King as well as for the remission of my own sins, and I do hereby corroborate and confirm the same with my royal authority for ever to God and the Church of the *Blessed Martin*, which, situated within the walls of *London*, the aforesaid *Ingelric* and *Gerard*, his brother, did honourably build from their own revenue, for the remission of their sins, to the praise of God; and for the keeping and maintaining of Canons Regular in perpetuity. These are therefore, etc.

This charter was written in the year 1068 of Our Lord's Incarnation, to wit in the second year of my reign: furthermore this gift was made on the day of Our Lord's nativity and afterwards confirmed on the day of *Pentecost*, when *Matilda*, my consort, was consecrated Queen, by God's will, in the Church of *St. Peter* at *Westminster*. I, *William*, King of the *English* and Duke of the *Normans*, under the seal of the holy cross, have willingly consented thereto and confirmed. I, *Matilda*, Queen, have given my consent. I, *Richard*, the King's son, have assented. I, *Stigand*, Archbishop, have confirmed. I, *William*, Bishop of *London*, within the walls of which the aforesaid monastery is situated, have marked with sign of the holy Cross and as far as it pertains to my power have granted every kind of privilege. I, *Odo*, Bishop of *Bayeux*, have consented. I, *Hugh*, Bishop of *Lisieux*. I, *Geoffrey*, Bishop, have corroborated. I, *Hermann*, Bishop, have consented. I, *Leofric*,

Rufus, *Robert Bloet* holds the same station^a. The Charters **Part II.** affording these points of information are very important, because they show the prevalence of Anglo-Saxon forms during the transition period of our history.

Bishop, have consented. I, *Giso*, Bishop, have consented. I, *Eadwin*, Abbot. I, *Wulfwold*, Abbot. I, *Baldwin*, Abbot. I, *Ægelsige*, Abbot. I, *Turstin*, Abbot. I, *Brand*, Abbot. I, *Ælfwine*, Abbot. I, *Ægelwine*, Abbot. I, *Sihtric*, Abbot. I, *William Fitz-Osbert*, Earl. I, *Robert*, the King's brother, Earl. I, *Eadwin*, Earl. I, *Robert*, Earl. I, *Morkere*, Earl. I, *Waltheof*, Earl. I, *Roger de Montgomery*, Earl. I, *Richard Fitz-Gilbert*, Prince. I, *William Malet*, Prince. I, *Arfast*, King's Chancellor. I, *Michael*, King's Chaplain. I, *Gilbert*, Chaplain. I, *William*, Chaplain. I, *Thomas*, Chaplain. I, *Bernard*, Chaplain. I, *Walter*, Chaplain. I, *Robert*, Chaplain. I, *John*, Cardinal Priest of the Holy Church of Rome, discharging in *France* and *England* by the grant of Pope *Alexander* the office of Legate, have been present at this assignment and as far as it appertains to the Apostolic See, I have confirmed the privilege of the Church by my signature herewith. I, *Peter*, likewise Cardinal Priest and Chancellor of the Holy Church of *Rome*, having been appointed Legate to *England* by the same Pope, have acquiesced in this assignment and with this my hand have subscribed thereto.]

^a Ego *Willelmus Willelmi* Regis filius, Dei dispositione Monarches *Britanniæ*... pepigi id, in eorum optimatum meorum presentia, quorum nomina subtus sunt annexa, et ut per posteritates succedentes apud quosque homines veritatis amatores perseveret ratum, meæ regię auctoritatis annecto sigillum, sed et propria manu mea depingo crucis dominicę signum... Mill. lxxx. viii. anno ab Incarnatione Domini, secundo vero anno regni Regis *Willelmi* filii prioris *Willelmi*: confirmatio autem hujus chartę facta est apud *Doveriam*, eo tempore quod superius determinatum est.

Ego *Thomas*, Archiepiscopus *Eboracensis*, laudavi. Ego *Mauricius*, *Londoniensis* Episcopus, corroboravi. Ego *Walchelinus*, *Wintoniensis* Episcopus, aptavi. Ego *Osmundus*, *Sarbiensis* Episcopus, consolidavi. Ego *Osbernus*, *Exoniensis* Episcopus, confirmavi. Ego *Remigius*, *Lincolniensis* Episcopus, astruxi. Ego *Rotbertus*, *Herefordensis* Episcopus, audiavi. Ego *Rotbertus*, *Cestrensis* Episcopus, conspexi. Ego *Cunnulfus*, *Roucestrensis* Episcopus, annui. Ego *Wolestannus*, *Wigrecestrensis* Episcopus, ac-

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cessi. Ego *Radulfus, Cicestrensis* Episcopus, vidi. Ego *Herbertus, Tetfordensis* Episcopus, audiui. Ego *Goiffridus Constantiensis* hoc exquisivi. Ego *Hoellus Cenomannensis* Episcopus, interfui.

Ego *Wido, Abbas Sancti Augustini Cantuarii*. Ego *Gislebertus, Abbas Sancti Petri Westmonasterii*. Ego *Turstinus, Abbas Glestoniensis*. Ego *Symeon, Abbas de Eli*. Ego *Balduinus, Abbas Sancti Eadmundi*. Ego *Raginaldus, Abbas de Abendona*. Ego *Rotbertus, Abbas Sancti Petri Wintoniæ*. Ego *Walterus, Abbas de Evesham*. Ego *Paulus, Abbas Sancti Albani*. Ego *Odo, Abbas de Certiseio*. Ego *Godefridus, Abbas de Malmesberia*. Ego *Goisbertus, Abbas de Bello*. Ego *Serlo, Abbas de Glocestria*. Ego *Goisfridus Mala terra*.

Ego *Rogerus, Comes*. Ego *Rotbertus, Comes*. Ego *Symon, Comes*. Ego *Hugo, Comes*. Ego *Alanus, Comes*. Ego *Henricus, Comes*. Ego *Walterus, Comes*. Ego *Willelmus, Comes*. Ego *Rotbertus filius Hannonis*.

Ego *Philippus, Capellanus*. Ego *Rotbertus, Cancellarius*. Ego *Samson, Capellanus*. Ego *Turgisus, Capellanus*. Ego *Geraldus, Capellanus*. Ego *Ansgerus, Capellanus*. Ego *Herbertus, Capellanus*. Ego *Willelmus, Capellanus*. Ego *Engeranus, Capellanus*. Ego *Ranulfus, Capellanus*. Ego *Petrus, Capellanus*. Ego *Tusaldus, Capellanus*.

Ego *Eudo, Dapifer*. Ego *Ivo, Dapifer*. Ego *Hanno, Dapifer*. Ego *Rogerus, Dapifer*. Ego *Willelmus, Dapifer*. Ego *Rotbertus de Oili*. Ego *Urso de Abetot*. *Rotbertus, Dispensator*. *Hugo de Portu*. *Rogerus de Busleio*. *Rannulfus Peverellus*. *Willelmus Peverellus*. *Alulfus, Vicecomes*. *Alveradus de Lincol'a*. *Ernulfus de Hesding*. *Folco Crispinus*. (Hickes, Diss, Epist. p. 47.)

[I, *William*, son of King *William*, by the disposition of God, Monarch of *Britain*, have ratified this, in the presence of those my magnates, whose names are appended below, and in order that through succeeding ages it might continue to hold good with all men who love the truth, I do hereby affix the seal of my royal authority, but also with my own hand do fashion the sign of the cross of Our Lord. In the year 1088 of Our Lord's Incarnation, in the second year of the reign of King *William*, son of *William I*. Moreover the confirmation of this Charter was made at *Dover* at the same time as that which has been determined above.

I, *Thomas*, Archbishop of *York*, have approved. I, *Maurice*, Bishop of *London*, have corroborated. I, *Walchelin*, Bishop of *Winchester*, have appended my signature. I, *Osmund*, Bishop of *Salisbury*, have sanctioned it. I, *Osbern*, Bishop of *Exeter*,

THE CHIEF BUTLER—"PINCERNA."

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Oslac held this office under *Ethelwulf*, who had married his daughter^a. In the character of legate or representative of *Ethelwulf*, he is described as attending the *Witenagemot* held at *Kingsbury*^a. The *body* of the charter affording this information, as preserved in the text of the pseudo-*Ingulphus*, is certainly spurious, but the *signatures* were probably transferred from an authentic document.

have confirmed it. I, *Remigius*, Bishop of *Lincoln*, have added my signature thereto. I, *Robert*, Bishop of *Hereford*, have heard the same. I, *Robert*, Bishop of *Chester*, have witnessed the same. I, *Gundulf*, Bishop of *Rochester*, have assented thereto. I, *Wulstan*, Bishop of *Worcester*, have acceded thereto. I, *Ralph*, Bishop of *Chichester*, have witnessed the same. I, *Herbert*, Bishop of *Thetford*, have heard the same. I, *Godfrey* of *Coutances*, have executed. I, *Hoel*, Bishop of *Le Mans*, was present.

I, *Wido*, Abbot of *St. Augustine's* at *Canterbury*. I, *Gilbert*, Abbot of *St. Peter's* at *Westminster*. I, *Turstin*, Abbot of *Glastonbury*. I, *Symeon*, Abbot of *Ely*. I, *Baldwin*, Abbot of *St. Edmund's*. I, *Reginald*, Abbot of *Abingdon*. I, *Robert*, Abbot of *St. Peter's* of *Winchester*. I, *Walter*, Abbot of *Evesham*. I, *Paul*, Abbot of *St. Albans*. I, *Odo*, Abbot of *Chertsey*. I, *Godfrey*, Abbot of *Malmesbury*. I, *Goisbert*, Abbot of *Battle*. I, *Serlo*, Abbot of *Gloucester*. I, *Geoffrey Mala terra*.

I, *Roger*, Earl. I, *Robert*, Earl. I, *Symon*, Earl. I, *Hugh*, Earl. I, *Alan*, Earl. I, *Henry*, Earl. I, *Walter*, Earl. I, *William*, Earl. I, *Robert Fitz-Hamon*.

I, *Philip*, Chaplain. I, *Robert*, Chancellor. I, *Samson*, Chaplain. I, *Turgis*, Chaplain. I, *Gerald*, Chaplain. I, *Ansgar*, Chaplain. I, *Herbert*, Chaplain. I, *William*, Chaplain. I, *Engeran*, Chaplain. I, *Ranulf*, Chaplain. I, *Peter*, Chaplain. I, *Tusald*, Chaplain.

I, *Eude*, Butler. I, *Ivo*, Butler. I, *Hamo*, Butler. I, *Roger*, Butler. I, *William*, Butler. I, *Robert de Oili*. I, *Urse de Abetot*. *Robert*, Steward. *Hugh de Portu*. *Roger de Busli*. *Ranulf Peverell*. *William Peverell*. *Aiulf*, Sheriff. *Alured of Lincoln*. *Arnoul de Hesdin*. *Fulk Crispin*. (Hickes, Letter to Shower, p. 47.)]

^a Asser, p. 1. *Ingulph.* p. 15.

Part II.

THE CONSTABLE OF THE HOST, or BANNER BEARER—THE “STALLERE,” “CONSTABULARIUS REGIS,”—or “VEXILLIFER REGIS.”

(See above,
p. 421.)

A very important charge. The *Stallere* held the highest station in the Witenagemot, and was the first man in the kingdom below the king. It was at the marriage of “*Tovi the Proud*,” who possessed this dignity^a, that Hardacnute expired. *Elgar*, or *Algar*, often noticed as a member of the Witenagemot in the charters of the Confessor, was imprisoned by the Conqueror, and kept in chains till his death,—a sad proof of his importance and quality^b. Many “*Stal-*

^a *Tovi* le Prude, qui totius *Angliæ* post regem, primus *Stallere* sive *Vexillifer* Regis, monarchiam gubernabat... Ille tunc in remotis *Angliæ* partibus degebat, regiis implicitus negotiis, secundus à Rege, sicut qui præ cæteris terræ magnatibus curam omnium gerebat, et regi proximus in consilio, et præcipuis regni causis assistebat. (Waltham Chron. Bib. Cott. Julius D vi, f. 80.)

[*Tofig* the Proud, who, next after the king, used to direct the government of the whole of *England* as *Staller* or King's Banner Bearer. At that time he was living in a remote part of *England*, engaged in the King's business. He was second to the King, as one who took over the care of everything in preference to the rest of the magnates of the Land; and he was next to the King in council and was present at the chief judicial causes of the Kingdom.]

^b *Algarus* quidam *Stallare*..... possessionem illam invadit, invadens possedit, possidens velut proprio abuti cœpit, jamque indebite possessor est factus, cui juste foret alienus. Abbas vero præfatus *Wlfricus* et fratres loci eum sedulo licet frustra requirentes, cum nihil apud eum profecissent, pium regem *Edwardum* adeunt, de indebita hostis pervasione conquerentes, illius suffragium implorant, sed ille rebus et honore sublimis nec Deum nec hominem verebatur, Regiis jussis nequaquam obtemperans, illum imitabatur qui dixit, Ponam sedem meam ad aquilonem et ero similis altissimo, sed sicut ille de cœlo in infernum ruit, sic iste per superbiam et abusionem in scandalum et opprobrium cadendus est. *Normannis* Dei judicio *Angliam* bello citius obtinentibus, qui usque ad diem mortis ejus cum pluribus aliis in ergastulo carceris ferro astrictus, mox retrudendus erat. Fratres autem, cum in gratiam nec prece nec promissis ipsius animum flecti cognovissent, jaculo anathematis eum ferire adgressi sunt, nec sententiam super eum ullo die prætermittabant. Quod ille

leres" are noticed in the writs of the Confessor; probably **Part II.** there was a Constable in each shire. The Anglo-Saxon title is derived from *Steall*, in plain English, the *Stall*, *Horse-Stall*, or *Stable*: but the authorities adduced leave no doubt as to the nature of the dignity.

THE CHAMBERLAIN,—“BUR-THEGN,”—or “CUBICULARIUS.”

The English language affords many curious proofs of the simplicity of ancient architecture. To “timber,” getimbrian, is to build. In that very familiar term, “*Lobby*,” so modern

diutius parvipendens, licet magnus et potens in regno, uti Regis *Constabularius*, ab Ecclesia eliminatus et fidelium consortio, ad correctionem, vix tandem cunctis jam detestabilis effectus, compulsus est pervenire. (Hist. Eliens. p. 512.)

[A certain *Algar*, the *Staller*, forcibly entered this property and took possession of it and began to use it as his own, and had made himself master of what was rightly another's. The aforesaid Abbot *Wulfric* and the brethren of that place sought satisfaction from him repeatedly, but to no purpose. And so when they had no success with him, they go to the good king *Edward* and complain about the unlawful invasion of their enemy and beg his aid. But he, being a man of high position in wealth and honour, feared neither God nor man, and by disobeying the commands of the King, imitated him who said “I will place my seat in the North and I will be like unto the most High,” but just as this one fell headlong from heaven to hell, so he through his arrogance and violence was destined to fall into shame and disgrace. When the *Normans*, by the judgment of God, quickly took possession of *England* in battle, he was soon destined to receive a thrust back, by being bound in chains in a prison with several others until the day of his death. Moreover the brethren, when they saw that his mind could not be influenced in their favour either by prayer or by promises, attacked and smote him with the weapon of the greater excommunication, nor did they fail on any day to repeat the sentence they had pronounced against him. This for a long while he thought lightly of, though he was a man of great power in the Kingdom as the King's *Constable*, but after he had been placed beyond the pale of the Church and ejected from the company of the faithful, he was forced to make amends, having by this time become an object of detestation to almost everyone. (History of Ely, p. 512.)]

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in its sound, and so inseparably associated in our ideas with the Theatre Royal and the House of Commons, the etymologist can easily trace the "*Laube*," the *leafy* arbour raised in front of the more substantial dwelling^a. And the *Bur*, or *Bower*, was the chamber, the habitation of royalty. The *Bur-thegn*^b,

^a The root of the word, *Leaf*, runs through all the variations of *Loff* (Dan.), *Loaf*, *Loove* (Belg.) and *Laub* (Germ.). From the latter is formed *Laube*, any kind of *leafy* shade, whether a hut or tabernacle constructed of the branches of trees, or an arbour or covered walk, or a deambulatory in front of any building,—*Lobia*, *Laubia*.—Porticus operta ad spatium idonea ædibus adjuncta—*Gallerie*—ex *Theutonico*, *Laub* folium, quod ejusmodi deambulatoria in prædiis rusticis foliis obducantur et operiantur. (Du Cange). [A portico, a covered place suitable for walking attached to houses—from the *German Laub* a leaf, because in country properties walks of this kind were covered and shaded with leaves.] But in the usual process of language the primary idea was soon obscured; and in Italy, in the eleventh century, they began to apply the term to any arched portico, or *Lobia* of other materials.—Juxta *Lobiam* marmoream. . . . *Lobiam* sub diversis arcibus complevit (Galvanus Flamma, apud Muratori, xii. p. 1015); [Next to a marble *Lobby*. . . he completed the *Lobby* under arches which turned in various directions] and by another inflection, from *Lobia* or *Lobgia*, the Italian *Loggia* is evidently derived.

^b Burpen, Burpegn, Cubicularius, Camerarius (Ancient Glossary quoted by Lye). The following passage is one of the many in which we find a notice of the deposit of a concord in the Treasury, under the care of the Chamberlain.—Ut igitur hoc totum apud generationem nascituram robur solidum et perpetuam obtineret firmitatem, decrevit Rex omnia, ordine quo gesta sunt vel relata, literis *Anglicis* ad monumentum futurorum declarari, ejusdemque scripti medietatem in gazophilacio, ubi quæcunque habebat præcipua et pretiosa, erant reposita, ab *Hugolino* cubiculario diligenter conservari. (Hist. Rams. p. 458.) [In order that the whole of this therefore should have enduring vigour and lasting force for generations yet unborn, the King decreed that everything should be set forth in *English* characters in the order in which it had happened or had been told, for a remembrance to those to come, and that one copy of this same written matter should be carefully preserved by *Hugolin* the Chamberlain in the treasury, where he kept all important and precious things. (Chronicle of Ramsey, p. 458.)]

the Thane of the Bower, seems to have begun by holding **Part II.** the King's purse: he obtained possession of the King's *Hoard* much about the same time that the Chancellor began to keep the King's conscience. *Hugoline*, the Chamberlain of the Confessor, was much more vigilant over the treasury than his good Master. It chanced that Edward was lying in bed, and, as it appears, in the day-time, when the Chamberlain came in, and busied himself about the chest which held the King's money, either putting somewhat in, or taking somewhat out: and then he quitted the bower, forgetting to lock the chest. The King saw him, and so did the little Scullion-boy, who, fully persuaded that the Confessor was asleep, crept softly to the tempting hoard, and filling his bosom with the gold, he softly stole away.—The king saw him, but said nought.—Having safely deposited his acquisition he ventured a second time into the king's chamber, made a second attempt, and was equally successful.—The king saw him, but said nought. A third time he approached the hoard, and then Edward, alarmed, not for the safety of his money, but for the safety of the thief, exclaimed,—“Have a care, boy, and be off with what thou hast; for if Hugoline finds thee out, not a penny will he “leave thee^a.”

Hugoline, the Chamberlain or Bowerthane of Edward the Confessor.

The Lord Chamberlain still displays the “Key” as the token of the office; and the chirographs of fines and other legal records, yet deposited in the nominal custody of the Treasurer and Chamberlains of the Exchequer, attest the manner in which these Anglo-Saxon usages were continued by the Anglo-Norman kings. (See Part I, p. 117.)

THE GRAND CARVER, “DISC THEGN,” or “DISH THANE.”

Alfheah^b and *Ethelmar*^c are upon record as holding this office.

^a *Ailredus de Vita et Miraculis Edwardi Confessoris*, p. 376.

[*Ailred on the Life and Miracles of Edward the Confessor.*]

^b *Liber Abendonæ*, f. 154. Bib. Cott. Claudius C ix.

^c *Ego Æthelredus Angliæ Rex, hoc ecclesiæ Christi privilegium ex auctoritate Christi confirmo. Ego Ælfricus, Ecclesiæ Christi Archiepiscopus, boni regis munificentiam signo crucis in æternum corrobore. Ego Wulfstanus, Londoniensium Episcopus, Domini mei nobili dono semper consentio. Ego Ælfheah, Win-*

Part II.

toniensium Episcopus, hoc antedicti Regis scriptum meis viribus confirmo. Ego *Ordbyrhtus*, Episcopus, idem hoc cum Dei benedictione feci. Ego *Athelricus*, Episcopus, hoc idem feci. Ego *Athulfus*, Episcopus, hoc idem feci. Ego *Godwinus*, Episcopus, omne hoc idem feci. Ego *Lyfing*, Episcopus, Domini mei voluntatem et bonitatem in æternum confirmo.

Ego *Wulfricus*, Abbas, verus testis. Ego *Ælfwardus*, Abbas, similiter. Ego *Wulfgar*, Abbas. Ego *Ælfsige*, Abbas. Ego *Leofric*, Abbas. Ego *Wighard*, Abbas.

Ego *Ælfricus*, Senator. Ego *Ælfhelmus*, Senator. Ego *Leofwinus*, Senator. Ego *Leofsigas*, Senator. Ego *Æthelmærus*, Domini mei Dapifer, testor. Ego *Ordulphus*, itidem verus testis. Ego *Eadricus*, fidelis testis. Ego *Byrhtricus*, Regis Minister, testor. Ego *Athelricus*, Senior, fidelis testis. Ego *Leofricus*, vestiarius, verus testis. Ego *Siwardus*, Regis Minister, hoc verbum fideliter testor.

[I, *Ethelred*, King of England, do hereby confirm this privilege of the church of Christ in consequence of Christ's authority. I, *Ælfric*, Archbishop of the church of Christ, do corroborate for ever the munificence of the good King with the sign of the cross. I, *Wulfstan*, Bishop of London, do give unwavering consent to the noble gift of my Lord. I, *Ælfheah*, Bishop of Winchester, do with all my strength confirm this writing of the aforesaid King. I, *Ordbyrht*, Bishop, have also done this with the blessing of God. I, *Athelric*, Bishop, have done the same. I, *Athulf*, Bishop, have done the same. I, *Godwin*, Bishop, have done all the same. I, *Lyfing*, Bishop, do confirm for ever the good-will and kindness of my Lord.

I, *Wulfric*, Abbot, a true witness. I, *Ælfward*, Abbot, likewise. I, *Wulfgar*, Abbot. I, *Ælfsige*, Abbot. I, *Leofric*, Abbot. I, *Wighard*, Abbot.

I, *Ælfric*, Senator. I, *Ælfhelm*, Senator. I, *Leofwine*, Senator. I, *Leofsigas*, Senator. I, *Æthelmær*, Butler of my Lord, do bear witness. I, *Ordulph*, also a true witness. I, *Eadric*, a faithful witness. I, *Byrhtric*, the King's Thane, do hereby bear witness. I, *Aethelric*, Ealdorman, a faithful witness. I, *Leofric*, Keeper of the Wardrobe, a true witness. I, *Siward*, the King's Thane, do faithfully attest these words.]

In the Anglo-Saxon duplicate of this instrument we have equally the description of the king's household officers, and more fully than in the Latin text.

Ic *Æthelmær*, mines hlaforðes Disceþegen, gewitnys.

Ic *Byrhttric*, cynges thegen, gewitnys.

THE KEEPER OF THE WARDROBE, or "HÆGEL THEGN." Part II

The word "*Hrægel*," garment, is preserved in "*Night rail*," which has only become obsolete since the days of Addison. Possibly, the "*Hrægel Thegn*" is the same officer as the Cubicularius, or Thane of the Bower.

THE PRIVY COUNSELLOR, or "THEGN ÆT RÆDE
AND ÆT RUNAN."

Under the *special* denomination of "*Thegn at ræde and æt runan*," he is mentioned only in one document; *ræde* is counsel—*run* or *runa* implies both counsel and secrecy^a. This functionary was, therefore, a Privy Counsellor—*Rune-medes*, as is well known, was the field of private council. The *Redesmen*, *Rædegifan*, or counsellors, occur in the chronicles and in the more precise language of the charters^b; and they appear in the very remarkable writ or patent issued by

Ic *Leofric*, hrægel thegen, trywe gewitnys.

Ic *Syward*, cynges thegen æt ræde and æt runan, thisre spræce trywe gewitnys. (Concilia, Vol. I. pp. 283, 284.)¹

[I, *Æthelmær*, my lord's dish-thane, witness.

I, *Byrhtic*, king's Thane, witness.

I, *Leofric*, Rail-Thane, a true witness.

I, *Syward*, king's Thane and privy counsellor, true witness of this grant.]

^a *To rune gegangan*—To go to or to take counsel.

^b See Sax. Chron. p. 211, and above, p. 323. This station gave great consequence, as appears from the following instance:—

Hemingius, or whoever was the compiler of the chartulary, is relating a conversation with Bishop Wulstan, who told him how the Church had acquired *Clent* and *Terdebrigg*. Dixit enim quendam decanum loci istius extitisse, Egelsium nomine, nobilem valde, et prudentem, tam in monasticis quam in secularibus actionibus, in tantum, ut inter consiliarios Regis connumeraretur, et esset inter eos satis conspicabilis. Hinc factum est ut in divitiis et pecuniarum abundantia plurimos majoris ordinis precelleret, &c. (Heming, p. 277.) [For he said that a certain dean of that place, by name Egelsi, was a very noble and prudent man, both in matters connected with monasteries as well as in secular matters, to such an extent that he was numbered among the King's counsellors and amongst them was a man of some distinction. Hence it came to pass that in wealth and abundance of money he surpassed most men of higher rank, etc. (Heming's Chartulary, p. 277.)]

Part II.

Henry III.^a, pursuant to the Provisions of Oxford, the last official document in that dialect which may be termed

^a *Henri*, þurg Godes fultume King on *Engleneloande*, Lhoav-
verd on *Yrloand*, Duk on *Normandie*, on *Aquitain*, and Eorl on
Aniow, send igretinge to all hise holde, ilærde and ilæwede, on
Huntendonschir.

þæt witen ge wel alle, þæt we willen and unnen þæt, þæt ure
rædesmen alle, oþer þe moare dæl of heom, þæt beoþ ichosen þurg
us and þurg þæt loandes folk on ure kuneriche, habbeþ idon and
schullen don in þe worþnesse of Gode, and on ure treowþe, for the
freme of þe loande, þurg þe besigte of þan toforen iseide redesmen,
beo stedefæst and ilestinde in alle þinge abuten ænde.

And we hoaten alle ure treowe in þe treowþe þæt heo us
ogen, þæt heo stedefæstliche healden, and swerien to healden,
and to werien þo isetnesses þæt beon imakede and beon to makien,
þurg þan toforen iseide rædesmen, oþer þurg þe moare dæl of
heom, alswo also hit is biforen iseid.

And þæt æhc oþer helpe, þæt for to done by þan ilche oþe
agenes alle men, rigt for to done and foangen, and noan ne nime
of loande ne of egte wherþurg þis besigte muge beon ilet oþer
iwersed on onie wise. And gif oni oþer onie cumen her ongenes,
we willen and hoaten þæt alle ure treowe heom healden deadliche
ifoaan.

And for þæt we willen, þæt þis beo stedefæst and lestinde, we
senden gew þis writ open, iseined wiþ ure seel to halden amanges
gew ine hord.

Witnesse usseleven æt *Lunden* þane egtetenþe day on þe
monþe of Octobr, in þe two and fowertigþe geare of ure cruninge.

And þis wes idon ætforen ure isworene redesmen,—*Bonefacius*,
Archebischop on *Kanterbur'*. *Walter* of *Cantelow*, Biscop on
Wirechestr'. *Sim'* of *Muntfort*, Eorl on *Leirchester*. *Richard* of
Clare, Eorl on *Glowchestr'* and on *Hurtford*. *Roger Bigod*, Eorl
on *Northfolk* and Marescal on *Engleneloand*. *Perres* of *Sauweye*.
Will' of *Fort*, Eorl on *Aubemarle*. *Johan* of *Plesseiz*, Eorl on
Warewik. *Joh'* *Geffreessune*. *Perres* of *Muntfort*. *Ric'* of *Grey*.
Roger of *Mortemer*. *James* of *Aldithel*, and ætforen oþre moge.

And al on þo ilche worden is isend, into æurihce oþre shcire
over al þære kuneriche on *Engleneloand* and ek intel *Irelonde*.
(Rot. Pat. 43 Hen. III. m. 15.)¹

Henry, by God's help, King of *England*, Lord of *Ireland*,
Duke of *Normandy*, of *Aquitaine*, and Earl of *Anjou*, sendeth
greetings to all his lieges, learned and lewed, of *Huntingdonshire*:

Anglo-Saxon: and after which we find no public instrument **Part II.** in the vernacular language until the reign of Henry V. The term *Rædbora*, sometimes rendered "*consul*," is applied, in the Devonian compact, to the magistracy of the Britons. (Part I, p. 388.)

This know ye all well, that we will and grant that what our Rædesmen all, or the most of them, that be chosen by us, and the landsfolk of our kingdom have done, and shall do, for the honour of God, and under their allegiance to us, for the benefit (or amendment) of the land, by the provision of our aforesaid rædesmen, be stedfast and lasting in all things, ever without end. And we command all our liege people in the fealty that they owe us, that they stedfastly hold and swear to hold (or keep) and to defend (or maintain) the statutes (or provisions) which be made, and shall be made, through those aforesaid Rædesmen, or by the more part of them, all so as it is before said; and that they each other help to perform, according to that same oath, against all men, doing, and causing right to be done: and let no one make any distress of land or goods, whereby this provision may be hindered or worsened in any wise: and if any person or persons oppose this provision, we will and command that all our liege people them hold for deadly foes; and because we will that this be stedfast and lasting, we send you this patent writ, signed with our seal, to be kept amongst you in Hoard. Witness our self at *London*, the 18th day of the month of October, in the two and fortieth year of our coronation; and this was done before our sworn Rædesmen, *Boniface*, Archbishop of *Canterbury*. *Walter* of *Cantelow*, Bishop of *Worcester*. *Simon* of *Montfort*, Earl of *Leicester*. *Richard* of *Clare*, Earl of *Gloucester* and of *Hertford*. *Robert Bigot*, Earl of *Norfolk*, and Marshal of *England*. *Peter* of *Savoy*. *William* of *Fort*, Earl of *Albemarle*. *John* of *Plessis*, Earl of *Warwick*. *John Fitz-Geoffrey*. *Peter* of *Montfort*. *Richard* of *Grey*. *Roger* of *Mortimer*. *James* of *Aldithley*. And before other kinsmen.

And in these same words is sent into every other shire over all the kingdom of *England*, and also into *Ireland*. (Patent Rolls, 43 Henry III. fifteenth membrane.)

Part II

ALDERMEN AND EARLS.

Aldermen. Wide application of the title.

Ealdorman, or *Elterman*, appears to have been originally the principal title of honour amongst the Teutons,—*Sheik* has the same meaning,—*Senior* and *Senator* the like,—all pointing out the patriarchal origin of authority. The Saxons used the term with considerable latitude. Thus did they designate the first leaders of their tribes, who conducted their ancestors from Germany,—the founders of the royal lines,—the chieftains of the Scots,—and the *Subreguli* who governed the subordinate kingdoms^a. All those who in the Latin charters are styled “*Principes*,” “*Duces*,” or “*Comites*,” were also *Ealdormen* in their various ranks and degrees: consequently the title is so interpreted by the judicious compiler of the *Historia Eliensis* (p. 466), “*Surrexere viri potentes, videlicet Egelwinus qui cognominatus est Alderman, quod intelligitur Princeps, sive Comes, et fratres sui, dicentes quod pater eorum, Adalstenus Alderman, pro patrimonio suo, quod erat in provincia, quæ dicitur Defene, terram illam cambierat*” [There arose powerful men, to wit, Egelwine, who bore the title of *Alderman*, which means *Prince* or *Earl*, and his brothers, saying that their father Athelstan the *Alderman* had exchanged that land for his patrimony, which was in the province which is called *Devon*]. During the Saxon period, I am not aware that “*Alderman*” is ever

^a Here arrived two *Ealdormen* in Britain, Cerdic, and Cynric his son, with five ships. (Sax. Chron.)

Oswald . . . misit ad *maiores natu* Scottorum, &c. (Beda, iii. 3.)

[Oswald sent to the *aldermen* of the Scots, etc.]

tha sende he to Scotta *Aldormonnum*, &c. (Alfred's Version.)

[So he sent (envoys) to the *aldermen* of Scotland.]

cujus episcopatus tempore, devictis atque amotis *subregulis*, Cædwalla suscepit imperium. (Beda, iv. 12.)

[And in the time of his episcopate, when the *subordinate kings* had been defeated and removed, Cædwalla undertook the government.]

On thæs biscopes tide wæron oferswithde and geflymde tha *aldermen*. (Alfred's Version.)

[In this bishop's time, the *aldermen* were overpowered and expelled.]

specifically applied in the written laws to the Magistrates of Towns; but so many of the Burghs were really Shires or Hundreds, that any of the numerous regulations speaking of Aldermen in general, would equally apply to those who held the Court within the walls. London in particular seems to have had Aldermen from time immemorial, and the honours which they possessed in the middle ages of our history, may perhaps be received as affording some evidence of their station in the olden time. Part II.

After the Conquest, when the title of *Ealdorman* became disused in the higher orders of the state, the municipal magistrates continued in undisturbed possession of the name. The title continued to hold its station in the Moot Hall, because it was forgotten in the Parliament. The Aldermen noticed in the laws as holding the Shire Courts, seem in most instances to have been the hereditary rulers of the country. The laws of Henry I. speak, however, of special Aldermen of the Hundred, who presided in the Court, and administered justice^a. An officer styled the Alderman of the Hundred, chosen by the Suitors, and who *represented* the Hundred, in the Court of the Shire, existed till the reign of Edward I.^b

Alderman of the Hundred chosen by the Suitors, and appearing as the representative of the Hundred in the County Court.

^a LL. Hen. I. c. 8.

^b *Sussex*. Juratores dicunt, quod *Baronia de Aquila* est escæta Normannorum, quæ est in manu Dominæ Reginæ matris Regis nunc, et sunt in eadem Baronia lxii. feoda militum quæ pertinent ad custodiam Castri de *Pevenes*. Et Hundreda Baronie dant ad auxilium Vicecomitis ix l. xvii s. vi d. per quod Barones et Milites tocius Baronie quieti sunt de secta ad Comitatum, salvis *Aldermannis Hundredorum qui faciunt sectam ad Comitatum pro Hundredo*. Et prædicta Baronia valet per annum cccl. Et Castrum de *Pevenes* pertinet ad coronam. (Rot. Hundr. 3 Edw. I., vol. II., pp. 204, 205.)

[*Sussex*. The Jurors say that the *Barony of Aquila* is an escheat of the Normans, and this Barony is under the hand of the Lady Queen, the mother of the present King, and in this same Barony there are sixty-two knights' fees, who belong to the guard of the castle of *Pevensey*. And the Hundreds of the Barony give to the Sheriff's aid £9. 17s. 6d., whereby the Barons and Knights of the whole of that Barony are quit of suit to the County Court, with the exception of the *Aldermen of the Hundreds who do suit to the County Court on behalf of the Hundred*. And the aforesaid Barony is valued at £300 per

Part II.

He then performed only the humble duties of a Beadle. He is indicted as a nuisance, inasmuch as he had no other fee or salary, save what he could extort from the people, and the disreputable office fell into disuse; yet he does really appear to have been the degenerate, though legitimate successor of the ancient functionary.

EARLS.

The title of Earl, as denoting a specific dignity, introduced by the Danes, though

The authority of Ethelwerd seems to be conclusive, that in his time, the title of *Earl*, if considered as denoting a specific dignity, was not employed by the Anglo-Saxons^a;

annum. And the castle of *Pevensey* belongs to the Crown. (Hundred Rolls, 3 Edward I., vol. II. pp. 204, 205.)]

Sussex. Juratores de *Rutherbruggr*, dicunt quod Hundredum istud est in manu Ricardi de Mundevill et valet per annum duas marcas præter communem finem, quem ballivi illius Hundredi percipiunt pro pulchere placitando, et nihilominus occassionant ipsos pauperes et innocentes, de omnibus quærelis, ac si nihil darent. Et præter hoc est ibi quidam Bedellus qui vocatur *Aldreman*, qui dat pro ballivâ suâ per annum quatuor marcas et nihil habet de certo de quo possit dictam firmam levare, nisi quod poterit extorquere de populo sibi subdito, et injuste. Et aliquo tempore solebant hujusmodi bedelli eligi per sectatores Hundredi; et tunc parum vel nihil dederunt pro ballivâ suâ. (Rot. Hundr. 3 Edw. I., vol. II. p. 214.)

[*Sussex.* The jurors of *Rotherbridge* say that this Hundred is in the hand of Richard de Mundeville and is valued at two marks annually, not reckoning the common fine which the bailiffs of that Hundred acquire for fair pleading, and nevertheless they burden with payments the poor and innocent for all complaints, as if they gave nothing. There is besides in this place a certain Beadle who is called *Alderman*, who gives for his bailliwick four marks per annum and has nothing from which he can raise this rent except what he may be able to extort from the people subject to him and that unlawfully. At one period of time beadles of this sort used to be elected by the suitors of the Hundred; and at that time they gave little or nothing for their bailliwick. (Hundred Rolls, 3 Edward I., vol. II. p. 214.)]

^a "Undecim consules ruunt" [Eleven consuls came to disaster], says he, speaking of the defeats sustained by the Danes,

but it certainly designated a person of noble race. This is the form in which it is employed in the laws of Ethelbert. The Earl and the Churl are put in opposition to each other, as the two extremes of society. The laws of the Kentish King, and the traditional customs of the age of Athelstane^a, describe the *Earl-kind* race, as the highest order of subjects: they are placed above the Ealdormen, and if that last mentioned term be taken in its more usual technical sense, as denoting the Hereditary rulers of the smaller tribes, there may be some reason for the supposition that, in this particular instance, the title of "Earl" denotes the "*Athelings*," the immediate descendants of the sovereign; and the traditional opinion that the sons of the King of England were Earls by birth^b seems like a reminiscence of Anglo-Saxon policy. In the more general sense, however, Earlship or Earldom was only high nobility; and very long after the title was appropriated by law to the Peer of Parliament, the Yeoman of the North continued to bestow this title upon Gentlemen of ancient descent and honoured family. When Johnny Faw, the Gipsy, is described as the "Earl of Lower Egypt," it is only the same application of the idiom of the old time.

Part II.
always used by
the Anglo-Saxons
as expressive of
high and distinguished birth.

Earl supposed by
some to be
equivalent to
Atheling.

The Scandinavians gave the title of "Earl," or "Jarl," to the Chieftains who ranked immediately below the King. It is said that, originally, persons of royal blood and lineage

"quos illi *Eorlas* solent nominare, et Rex eorum unus" [whom they were accustomed to call *Earls*, and one of their kings. (Ethelwerd's Chronicle, iv. 3.)] The root of Earl, or Iarl, may also be discerned in ἥρωες, *Herr*, *Herus*.

^a Wilkins, p. 70.

^b "The second sort of Earls are Earls by birth, and so are all the sons of the Kings of England, if they have no other dignity bestowed upon them."—So asserted by Doddridge, in his argument in the Bergavenny case (Collins, p. 102). I cannot trace the doctrine higher, but it has every colour of antiquity. What are the rights of the younger sons of the Kings of England, supposing they are not advanced to the peerage by the usual mode? They are now mere commoners: their persons may be arrested upon civil process; and if arraigned of felony, they would be tried by a common jury. But it is difficult to believe that in the old time they were destitute of every dignity and nobility.

Part II.

Norwegian
Earls, or Jarls.

could alone claim this dignity^a. The "*Hird Skrá*," or "*Jus Aulicum Norwagiæ*," compiled in the thirteenth century, distinguishes a class of Earls who appear in the nature of Viceroys,—they administered the "*Skatlande*," or countries tributary to the crown of Norway. Harold, the father of Haco, is said to have first appointed official Earls of this nature^b. Such an Earl governed every district, or *Fylki*, receiving one third of the revenues as his salary.

Another class of Earls consisted of those rulers who held their Earldoms, not as the King's Viceroys, but as their Feuds or property. The writer of the "*Hird Skrá*" represents such territories as obtained from the free bounty of the King, and granted by his grace and favour. That the Jarldoms or Earldoms, given as appanages to the members of the royal family, were of this class, may be conceded, but a different origin must be assigned to the authority possessed by those Jarls who may be styled the mediatised Princes of the North. The mode by which they were displaced from a higher rank, is instructively displayed in the following singular example, which throws much light upon Anglo-Saxon history.

History of
Herlaug and
Hrollaug, Kings
of Naumedale,
in Norway.

There were two "*Kings*" in Naumedale, in Norway, Herlaug and Hrollaug, who, during three years, employed themselves and their subjects in raising a mound or tumulus, which, according to Snorro, was composed of stone, lime, and timber. At the top thereof was a seat, on which they held their Court as Kings. Scarcely was this Hill of Estate completed, when Harold Harfager approached with his army. Resistance was hopeless, but Herlaug would not submit to any superior. He entered the chamber of the tomb, beneath the mound, accompanied by twelve trusty followers, who, with their Lord, abandoned for ever the light of day. Meat and drink they took with them, but the earth was cast upon them, and they never emerged again. Hrollaug now ascended the eminence, and seated himself as King in the

^a *Ihre*, I. p. 964.

The "*great Earl of Whitfield*," the enemy of Hobbie Noble (*Border Minstrelsy*, I. p. 245), was only an individual of a good old family, and proprietor of a large demesne. The "*Earls of Socburn*" were gentlemen of the same class. (*Surtees's Durham*, II. p. 209.)

^b *Harald's Saga*, p. 100.

royal throne. Having done so, he descended, and took his place on the under-bench, whereupon the *Jarls* were used to sit, and, in presence of the people, he declared that he assumed the name and title of a Jarl. Harold had now entered the territory, and Hrollaug, humbly drawing nigh unto the King of all Norway, surrendered up his little kingdom, and offered himself to Harold as his Man; and Harold took a sword and bound it to Hrollaug's side, and he hung a shield round Hrollaug's neck, and created Hrollaug his *Jarl*, and then he conducted Hrollaug to the "high seat" or throne, and gave him seisin of the dominion of *Naumedale*, no longer a Kingdom, but a *Læn*, and placed him as Jarl to rule over and govern the same^a.

Hrollaug surrenders his kingdom to Harold Harfager, and receives it back as an Earldom.

It may be here remarked, that great importance was attached to the title of King: and, even as Harold acted with respect to this "Fylkis Konung," so did Edred, when he suppressed the royal title in Northumbria, and converted the province into an Earldom^b.

The privileges and rights of the Anglo-Saxon Earls, in the reign of the Confessor, are ascertained with considerable distinctness from Domesday. In Deira, or Yorkshire, the Earl had nothing in the King's demesne manors, nor the King in the Earl's. The King had "four high ways," three by land^c, and one by water, and all forfeitures incurred

Anglo-Saxon Earls.

Rights of the Earls of Deira, in the reign of the Confessor, adduced for the purpose of exemplifying the general nature of the dignity.

^a Snorro, Harald's Saga, cap. 8. The vassalage, and the conversion of the *Riki*, or kingdom, into a *Læn*, are expressed with great precision. Eptir that fór Hrollaugr moti Harrolldi Könungi, oc gaf honum alt riki sitt, oc baud at göraz hans madr. Tha tok Harraldr Könungr sverð oc festi a lindi hönum, tha festi hann skiöld a hals hönum, oc gerdi hann Jarl sinn, oc leidde hann i ha-setti, tha gaf hann hönum Naumdæla fylki oc sætti hann thar Jarl yfir. [After that fared Hrollaug to meet King Harald, and gave him up all his realm, and prayed to become his man; then took King Harald a sword and did it on to his girdle, then hung a shield about the neck of him, and made him his Earl and led him to the high seat; then he gave him the Naumdale folk, and made him Earl over them. (Translated by Morris and Magnússon, *Heimskringla*, i. 94.)]

^b See above, pp. 593, 594.

^c Probably such of the Roman ways as traversed the country (see above, p. 189).

Part II.

thereupon were divided between the King and the Earl—the proportion is not mentioned,—whether the way passed through the land of Archbishop, Earl, or King. Peace, given under the King's hand, or by his seal, was compensated by "twelve hundreds"; if by the Earl, half was paid. He who was outlawed by the King could only be pardoned by the King. But the Earl or the Vicecomes could outlaw in like manner, and theirs was the pardon of such outlawry. Thanes who had "sake and soke" forfeited to no one but to the King and to the Earl^a. The rights in other shires vary in details, but agree in principle. Generally speaking, the Earl received one third of the *land-gable* or rent, paid by the shire-town; and this proportion of the gable, as well as of the market-toll and the legal fines, seems to have been due of common right when not otherwise expressed^b; in the Anglo-Norman age this third penny was inseparable from the Earldom. In the shire which he ruled, the Anglo-Saxon Earl was next only to the King^c.

The official Earls had probably the same rights as those who held their territories by a feudal right, and it is therefore difficult to distinguish between the two classes. The greater part of the Danish Earls appointed by Canute seem to have been of the official class. But all the great Earls under the Confessor evidently considered themselves as Peers, and as equally possessing vested rights, which could not be legally assailed by the King.

^a Domesday, Everwicscire, 298.

^b Comitis rectitudines, secundum Anglos, istæ sunt communes cum Rege, tertius denarius in villis ubi mercatum convenerit, et in castigatione latronum. (Text. Roff. p. 45.)

[The rights of the Earl, according to the English, these are held conjointly with the King; the third penny in the towns where a market assembles, and in the punishment of robbers. (Rochester Text, p. 45.)]

^c Thus, Orm Gamalson dates the building of the church of Rydale,—“In Edward dagum Cyng, and in Tosti dagum Eorl” (Arch. V. p. 90), In the days of Edward the King and of Tosti the Earl.

TENURES.

BOCLAND AND FOLKLAND—LÆNLAND—HERIOTS— SERVICES.

BOCLAND derived its name from the mode of its creation, and included many classes of tenure. In its primary sense, *Bocland* signifies land granted by *landboc* or charter. Such a grant proceeded from the compact of the parties; the tenure, and the conditions according to which it was held, might, therefore, be subject to the greatest varieties. A *feorm* or rent might be reserved, or the land might be wholly free. The property might be held for lives or at will, for services, certain or indefinite, or with no reservation of services^a.

Bocland,—
i.e. land granted
by "*landboc*,"
or charter.

Bocland constituted the one principal genus of territorial property. The other was *Folkland*^b, of which we

Folkland, land
possessed by
immemorial
usage.

^a Allen's Inquiry, p. 155.

^b From the import of the following passage it is evident that the two qualities of *Bocland* and *Folkland* comprehended all the land respecting which a claim of right could be raised (Edward the Elder, 2). Eac we cwædon hwæs se wyrthe wære the othrum rihtes wyrnde, athor oththe on boclande oththe on folclande, 7 thaet he him geandagode of tham folclande hwonne he him riht worhte beforan tham gerefan. Gif he thonne nan rihte næfde ne on boclande ne on folclande, thaet se wære the rihtes wyrnde scyldig xxx scill. with thone cyning, æt othrum cyrre eac swa: æt thriddan cyrre cyninges oferhyrnysse, thaet is cxx scill. buton he ær geswice¹. [We have also declared to what penalty he is liable who refuses to another satisfaction by legal procedure, be it with reference to book-land or folk-land, and that the plaintiff should appoint him a day respecting the folk-land when the defendant may do him right before the judge. But if the plaintiff can get no justice, whether with reference to book-land or folk-land, that the defendant who has refused justice should be liable to the king for thirty shillings and on the second occasion for a like sum, and on the third occasion for the penalty of disobedience to the king, that is one hundred and twenty shillings, unless he previously abandon his refusal.]

Lænlund, though plainly distinguishable for some purposes

Part II.

know little more than the name. It is scarcely ever mentioned in the Anglo-Saxon muniments: and the paucity of notices concerning Folkland resulted, in all probability, from its nature, *viz.* that the land derived under a charter, and held by immemorial custom and usage, was not affected by the ordinary modes of conveyance. After such land had become the subject of a written grant, it changed its nature, and was converted into Bocland^a.

Judging from the appellation, for we have little else to guide us, Folkland was land originally possessed by the nation, tribe, clan, or sept, but which had been allotted, in severalty, to individuals. As the “*trinoda necessitas*,” or the obligation of contributing to the “*Fyrd*,” or military service, and to the repairs of the burghs and highways, is always expressed in the most general terms, Folkland must have borne the common burden.

How Folkland was conveyed we know not. As there are no charters concerning it, we may suppose it was transferred in the presence of the Folkmoot, and by the delivery of some visible symbol. And speaking with less doubt and hesitation, we can affirm that no testamentary disposition could alienate Folkland from the heir, and that it could only be affected by transactions *inter vivos*. Testamentary dispositions were wholly unknown to the Teutonic nations^b; at this day, such a power does not apply to lands held by copyhold or customary tenure. Strictly speaking, these lands are not Folkland, but they retain a great affinity thereto. They are Anglo-Saxon tenures, which, though much modified by the law of the later ages, have survived the Conquest. Copyholds, or customary tenements, as is well known, are

Testamentary
dispositions un-
known to the
ancient Teutons.

from Bocland, was probably included under that name, inasmuch as it was granted by *Landboc* or charter.

^a This is Spelman’s opinion,—“*Terra popularis, scilicet quæ jure communi possidetur, vel sine scripto. Ei contraria quæ Bocland dicitur*” [Folkland, to wit that which is possessed by customary law, that is, without written title. The contrary to that which is called *Bocland*]. Lye adds, “*ad voluntatem domini, census annuum pensitans, et officiis servilibus obnoxia*” [at the will of the Lord, paying an annual tax and liable to servile duties], for which last assertion, adopted from Somner, no competent ancient authority can be found.

^b Tacitus, *Germania*, 19.

not the subject of testamentary devise. If the tenant wishes to pass the lands to a devisee, he surrenders them to the use of his will. He comes into Court amongst his Peers, and declares, or makes known to the lord, that he wishes that the lands shall go, after his decease, to such persons as he shall name in his will. The superior is merely the medium through whom the land is transferred. He receives the land from the tenant, in order that it may be made to vest in the devisee. Part II.

Such appears to have been the original nature of the Anglo-Saxon *Cwide*^a, or bequest. The Tenant addresses the King, and prays that his wishes may be granted, that his will may stand; and whenever the quality of the land is not described, and the testator solicits the King to carry his intentions into effect, I agree in the opinion^b that the land was generally of the quality before described. The power of enabling the owner to make a devise, was vested in the Crown. As chief of the state, the King could convert Folkland into Bocland^c. The licence is solicited humbly, and as a favour, and it is possible that it was a request which might have been refused, and that the King did not act entirely in a ministerial capacity: but the legal nature of the transaction is not impaired or affected by considering the permission as emanating from the prerogative of the sovereign.

The Anglo-Saxon *Cwide*, or bequest, a transaction in the nature of the surrender made by a copyholder to the use of his will.

^a Cyþan or Cweþan,—to *announce, speak out, declare, or notify*. In ordinary language we preserve the word in the defective *quoth*. The *Cwide* was at first merely the last declaration of the will of the testator. But as the word "*Will*" has acquired a technical sense, so "*becweþan*," to *bequeath*, was soon restricted to the declaration thus emphatically made for the purpose of effecting the disposition of property.

^b Allen's Inquiry, p. 147.

^c And as such, the prerogative is enumerated amongst the "*consuetudines regum inter Anglos*" [the prerogatives of the Kings amongst the English]. *Carta alodii ad æternam hæreditatem*. *Forisfactura alodii et pretium eorum qui habent alodium quando ita profunde forisfaciunt se ipsos*. (Text. Roff. p. 44.) [A charter of Book-land for everlasting heritage. The forfeiture of Book-land and the sum to be paid by those who hold Book-land, when they thus lay themselves open to such considerable forfeiture. (Rochester Text, p. 44.)]

Part II.

Many of the grants of Bocland, probably only instruments of conveyance, grounded upon resignations or surrenders.

In many of the Bocland grants made by or in the name of the sovereign, a full and absolute enjoyment of the property during life, and of bequeathing the same after the decease of the owner, is imparted by the Landboc. Bocland thus became synonymous with inheritance^a. It is very possible that many of such charters or grants, appearing to proceed from the mere bounty and munificence of the King, were, in fact, formal conveyances, grounded upon *resignations* to a feudal superior, or resulting from a surrender of the *Folkland*, made by the owner for the purpose of receiving it back, with an unfettered power of disposition, both conjectures being supported by the jurisprudence of the Feudal Kingdoms. Other of these Landbocs were probably the grants made by the sovereign pursuant to a bequest. Once affected by such a grant, the Folkland lost its nature and became Bocland. The owner of the Bocland might direct the descent of the property in any way which he thought proper. The practice is evinced by numberless examples. The succession of the property was limited, varied, or restrained, as suited the wishes of the testator, and the law protected the entail^b. The greatest proportion, however, of the Boclands were probably such as the sovereign granted to his Thanes as the price of their services, sometimes in perpetual inheritance, sometimes for one or more life or lives^c. In such a case, if the tenant did not allow the land

^a See above, pp. 301, 302, pieces 3, 4; pp. 307, 308, pieces 7, 8. The precedents there given are examples of the usual form.

^b Laws of Alfred, 37.

^c The power might be for three lives absolutely. The donor might have the power of nominating the "hæredes," or "yrf-weardes," after which the land reverted to the lord (see above, pp. 311—314, 323, pieces 11, 12, 13, 14, 19). It might be limited to two persons, "two milites" in succession, with a power to the second life, if he should survive, of naming one of his two brothers (Heming, p. 210): to a man, his wife, and one of their children (Heming, p. 188): to a widow, with power to name the lives from her children, if she should leave any, but if not, then from strangers in blood (Smith's Bede, App. p. 771). A "Minister" who had "earned" a grant of blood from his lord to himself and two of his heirs, makes his declaration or *bequest* that it shall go to his son, who may give the same to whom he likes best, so as the donor be a male, or of the *spear* side. Ego Oswald, . . . A.D. 963,

to pass to his heir, he named the persons who were to take it Part II.
after his death, sometimes by a memorandum on the charter,
sometimes by his *Cwide* or bequest.

There is an early and very remarkable example of a grant made by the Bishop of Worcester to Bertwulf, King of Mercia, for the purpose of purchasing his protection and defence, and to the end that he might be the friend and defender of the See. This grant was made for five lives. After which the land was to revert to the Church^a.

Land thus granted for lives (see above, pp. 283, 284) constituted one of the classes of *Lænland*. We have a precedent of the renewal of such a grant: the charter by which Archbishop Oswald grants or gebooks three hides of land to his Thane or Minister^b, is of this description. He held it as *Lænland* before, but now he takes it back with a further estate, for three lives: and as long as they endure, the tenant need not pray to the lord for a renewal of his tenure.

(See above,
pp. 282, 313.)
Land thus
granted one of
the classes of
Lænland.

annuente Regi Anglorum *Eadgaro*, *Ælfereque Merciorum* Comite, neenon et familiæ Wiogornensis ecclesiæ, quandam ruris particulam, . . . cuidam ministro meo nomine *Ælfric*, perpetua largitus sum hæreditate, et post vitæ suæ terminum, duobus tantum hæredibus immunem derelinquat, quibus defunctis ecclesiæ Dei in *Wigorna-ceastre* restituatur. [I, *Oswald*, in the year A.D. 963 with the consent of *Eadgar*, King of the English, and *Ælfhere*, Earl of the *Mercians*, and also the brotherhood of the church of Worcester, have hereby bestowed a certain parcel of land, on a certain servant of mine, by name *Ælfric*, in life-long possession and after the span of his life that he may leave it freely to two heirs only, and that when they are dead that it may revert to the church of God at *Worcester*.] Then follows the *cwide* or *bequest*. Ic *Ælfric* cype minan leofan hlaforde, þæt ic on *Æpelsige*, minan suna, þæs landes þe ic to gearnode æfter minan dæge to habbanne his dæg, and æfter his dæge to syllane þæm þe him leofast seo, and þæt seo on þa spere hand. (Heming, 134.)¹ [I, *Ælfric*, inform my dear lord that I grant to *Æthelsige* my son, the lands that I have enjoyed, to have after my day for his day, and after his day, to give to the person who is dearest to him, so that he be on the spear side. (Heming's Chartulary, p. 134.)] Sometimes the *Precaria* or *Læn* was only for one life, as in the grant of *Cranfield* made by the Monks of Ramsey to the Earl of Hereford. (See above, p. 521.)

^a Heming, pp. 5, 6.

^b See above, p. 312, piece 13.

Part II.

Liberties of
Oswald's law.

Lænland, without doubt, included various classes of interest, and the lord might absolutely deny any right of perpetual inheritance. This is expressed with great precision in the liberties of "Oswald's law." In whatever manner the lands were *lent* for the purpose of serving the Bishop, he who held the *Læn* or *Loan* was never to acquire any hereditary right in the same, nor claim it as his *Feud* except at the will of the Bishop, and according to the agreement which they had made^a.

Force, however, overcame the law; many of such "Loans" might be made to these powerful Tenants, who, if they once had possession of the land, were little willing to surrender the deposit when the term had expired; and it was in vain for St. Cuthbert to demand restoration of the *Præstita* which had been granted to a Northumbrian Earl^b. It is

^a Et hæ prædictæ ccc hidæ fuerunt de ipsius dominio ecclesiæ, et quocunque modo præstitæ fuissent, et cuicumque præstitæ fuissent, ad serviendum inde episcopo, ille qui eam præstitam terram tenebat, nullam omnino consuetudinem sibimet retinere poterat, nisi per episcopum; neque terram retinere, nisi usque ad impletum tempus, quod ipsi inter se constituerunt, et nusquam cum hac se vertere poterat, nec jure hereditario eam usurpando retinere, aut feudum suum eam clamare poterat, nisi secundum voluntatem episcopi, et secundum conventionem, quam cum illo fecerat. (Heming, vol. I. p. 287.) [And these above-mentioned three hundred hides were demesne lands of the Church itself and in whatsoever manner they had been leased or to whomsoever they had been leased to secure therefrom knight-service for the Bishop, he who held the land that had been leased, could not retain for himself any customary payment at all, except through the Bishop; nor could he retain the land beyond the end of the time on which they had agreed between themselves, nor could he commend himself to any other with it, nor could he retain it by claiming hereditary right nor claim it as his fee, except in accordance with the will of the Bishop, and in accordance with the agreement which he had made with him. (Heming's Chartulary, I. 287.)] In the greater part of the manors belonging to the see of Worcester, the tenants hold by demise in court for three lives.

^b Sunt autem nonnullæ terrarum possessiones, quas *Aldhunus* Episcopus sui temporis Comitibus *Northanimbriorum*, dum necessitatem paterentur, ad tempus quidem præstitit. Sed vio-

most probable, that the tenant of *Lænland* was a Thane, in respect of his *Læn* or Feud, and hence, such land may have been sometimes called Thaneland, but this is a point of great difficulty. The "Holdath," or oath of fealty, seems to point at land held by conventional tenure, such as the *Læna* before described. Part II.

Land might be granted as the pay for domestic services. —Eanswitha obtains a *loan* upon condition of washing and making the church linen^a. Godwin, in granting his lands, reserves the life-estates of his Dapifer and his Goldsmith^b. Land granted upon condition of performing domestic services.

Upon the death of every landholder, the sovereign or

lentia comitum qui eis successerunt pene omnes eas a dominio ecclesiæ alienavit. (Sim. Dun. Hist. Dun. p. 29.)

[Moreover there are some possessions in lands which Bishop *Aldun*, forced by the pressure of the times, loaned for a period to the Earls of *Northumbria* of his day: but the lawlessness of the Earls who succeeded them, alienated almost all of them from the ownership of the Church. (Simeon of Durham, History of Durham, p. 29.)]

^a Ideo ego *Deneberht* Episcopus, simul cum mea familia *on Wigornaceastre*, hoc decretum definiendo confirmavi, ut terram illam *Hereforda*, cujus quantitas est ii. cassatorum, dabo *Eanswithe* possidendam, quamdiu ipsa vivat, si illam post me superstitem in seculo derelinquo, ea conditione, ut ipsa sit semper subdita *Wigornensi* ecclesiæ et ipsius familie hoc modo, ut semper illius ecclesiæ indumentum innovet et mundet, et augeat, et postquam ipsa viam patrum incedat, terra supradicta ad *Wigornensem* ecclesiam absque omni contradictione conscripta est. (Heming, p. 330.)¹

[Wherefore I, Bishop *Deneberht*, have determined and confirmed this decree with my brethren at *Worcester*, namely that I shall give this land at *Hereford*, the amount of which is two cassates, to *Eanswith* to be her possession as long as she lives, if I leave her living in the world after me; on this condition that she be always a servant to the church of *Worcester* and its brethren in the following manner:—that she do always make, wash and furnish the linen of that church. And after she has gone the way of her fathers, the above-mentioned land has been assigned to the church of *Worcester* free from all claims against it. (Heming's Chartulary, p. 300.)]

^b Hist. Rams. p. 420.

Part II.

Heriots or
reliefs due on
the death of
the landholder.

the lord was entitled to claim the *Here-geat* or *Heriot*^a. The extent of these payments, which, in the laws of William, are termed *Reliefs*^b, appears distinctly from the general declaratory Statute of the Dane. Eight horses,—four saddled and four unsaddled,—four helmets, four coats of mail, eight spears, eight shields, four swords, and two hundred mancusas of gold, were to be tendered by the heirs of the “Earl.” From the heirs of the King’s Thane (the Baron of the Norman text), four horses,—two saddled and two unsaddled,—two swords, four spears, four shields, a helmet, a coat of mail, and fifty mancusas of gold.

The reliefs due from the inferior Thaness (the *Vavassurs* of William’s laws) differed in the three great divisions of the empire. In East Anglia and Mercia each paid two pounds. In Wessex no money is mentioned as due from the Thane, but his horse, his harness, his weapons, or his “*halsfang*,”¹ his collar of estate or “torques,” became the property of the King. In “Dane law,” the rate was more burdensome. The Heriot of the Thane or Baron who had “*socne*,” or jurisdiction, was four pounds. But if he had made any further declaration or bequest, probably, if he had made his *cuide*² concerning any Folkland which he wished to convert into Bocland, then two horses,—one saddled and one unsaddled,—one sword, two spears, two shields, and fifty mancusas of gold, and who had less, and was less able to pay, was to render two pounds.

^a *Here-geat* apparatus bellicus. (Lye.) Under the name of *Herwede*, *Heergewette*, *Herwad*, *Hergewæde*, and *Hergerette*, these gifts or payments were equally known to the German law. The distinction of the modern law, according to which the Heriot is due from the executors of the deceased, whilst the Relief is paid by the heir, was not known in these early times, and the distinction was equally unknown in ancient Germany. *Hergette* etiam est præstatio heredum, qui ut successionem hæreditariam in feudo relevent, vel equum defuncti vassalli, vel alias res, vel pecuniæ summam, offerre tenentur Domino. (Haltaus, p. 884.) [*Heriot* is also a payment of the heirs who, in order that they may take up the hereditary succession in fee, are bound to offer to the lord either the horse of a dead vassal or other articles or a sum of money.]

^b See above, p. 133. Canute, II. 69.

From the *Lagemen*, or territorial magistrates of Cambridge, as large a relief was exacted as from the Thane, together with a palfrey, and the arms of one knight or soldier^a. A proof is hereby given of the rank which these magistrates possessed, and we also obtain a kind of certificate of the extent of land which they held. With respect to these functionaries, it is noticed, that in Stamford, though they had "sake and soke" over their men, yet the Heriot did not belong to them, but either to the Earl or the King^b. If a Burgess of Hereford served the King on horseback, as a knight, his horse and his arms were delivered upon his death as a relief to the King. If he had no horse, then ten shillings were paid, otherwise the King became entitled to the burgage land^c. The Burgess of Shrewsbury paid a relief of ten shillings^d. The like was due in Chester, when the Burgess took up his land, or the land of his kinsman^e. This sum, therefore, seems to have been the ordinary amount or average of the relief paid by this class of tenantry, and when no relief is due, the fact is expressly stated in the record^f.

Lastly, the Villain was to render his relief or heriot; and the best beast which he possessed,—horse, ox, or cow,—was to be presented to his lord^g, being, as is familiarly known, the Heriot generally due from the Copyholder of the present day.

The general outline of the system was varied by local customs, some of which are noticed in Domesday. The representative of the Berkshire Thane was bound to present the hawks and hounds of the deceased to the King^h. In

Local customs
as to Heriots.

^a Gretebrigscire, p. 189.

^b Lincolnscire, p. 336.

^c Herefordscire, p. 179.

^d Sciropescire, p. 262.

^e Cestrescire, p. 262.

^f Euruicscire, p. 298.

^g Laws of the Conqueror; see above, p. 134.

^h *Tainus vel miles Regis dominicus, moriens, pro relevamento, dimittebat Regi omnia arma sua, et equum unum cum sella, et alia sine sella; quod si essent ei canes vel accipitres, præsentabantur Regi, ut si vellet acciperet.* (Berochescire, p. 56 b.) [A Thane or household Knight of the King upon his death used to send to the King as a relief all his arms and one horse with a saddle and other beasts without a saddle; and if he possessed dogs or hawks, they were presented to the King, to accept if he wished. (Berkshire, p. 56 b.)]

Part II.

Nottinghamshire, if a Thane held above six manors, the sum of six pounds was paid to the King in lieu of any relief. If he held that number or fewer, three marks of silver were paid to the "Vicecomes^a." The same custom prevailed in Yorkshire^b, so that in a considerable portion of the *Danelagh*, the general rate was increased by the usages of the country. And the Freeman holding of the great Lordship of Derby paid forty shillings, if he wished to have his father's lands^c.

In Kent, the King had relief from all the "Allodiarii," excepting certain persons, upon whose death the relief belonged to those who had the "sac and soke" of their lands^d.

^a Tainus habens plusquam sex maneria, non dat terræ relevationem nisi Regi tantum octo libras, si habet sex tantum vel minus, vicecomiti dat relevationem tres marcas argenti, ubicunque maneant, in burgo vel extra. (Snotinghamscire, p. 280 b.)

[A Thane having more than six manors pays a relief of eight pounds for his land to no one but the King; if he has only six or less, he gives to the sheriff as relief three marks of silver, wherever he may be, in the borough or outside it. (Nottinghamshire, p. 280 b.)]

^b Relevationem terrarum dant solummodo Regi illi Taini, qui plusquam sex maneria habuerint; relevatio est octo lib. Si vero sex tantum maneria vel minus habuerint, vicecomiti pro relevatione dant tres marcas argenti. (Euruicscire, p. 298 b.)

[Those Thanes, who have more than six manors, gave relief of the lands to the King only: the relief is eight pounds. If however they have only six manors or less, they give to the sheriff as relief three marks of silver. (Yorkshire, p. 298 b.)]

^c Si quis terram patris sui mortui habere volebat, quadraginta sol. relevabat; qui nolebat, et terram et omnem pecuniam patris mortui Rex habebat. (Inter Ripam et Merseiam, p. 269 b.)

[If anyone desired to have the land of his dead father, he paid a relief of forty shillings; if he did not desire it, the King had the land and all the cattle of the dead father. (Between Ribble and Mersey, p. 269 b.)]

^d Et quando moritur Alodiarius, Rex inde habet relevationem terræ, excepta terra Sanctæ Trinitatis, et S. Augustini, et S. Martini, et exceptis his, *Godric de Burnes*, et *Godric Carlessone*, et *Arnold Cilt*, et *Isba Biga*, et *Siret de Cilleham*, et *Turgis*, et *Norman*, et *Azor*. Super istos habet Rex forisfacturam de capitibus eorum tantummodo: et de terris eorum habet relevamen,

The foregoing instances are sufficient to show that the relief was an incident of tenure in the strictest sense of the word. It fell to the lord in respect of the land, and was paid by the heir in respect of the land. Generally, it was due to the lord who possessed the soke, or jurisdiction; whatever had been its origin, it had ceased to be an arbitrary fine; and, from the general wording of the law, we may infer, that no land held by any vassal, as of a superior, was free from the burden thus imposed.

Whatever services the lord rendered to the sovereign, he, in his turn, could exact from his vassals. He could demand their aid towards the Fyrd, their contribution towards the payment of taxes, and, if they transgressed against the law, or were banished from the country, the land reverted to the superior^a.

The lord entitled to claim the services of his Vassals.

Escheat.

Lands liable to service could only be held by performance of such service; and suit of court was one of the tokens of subjection^b. If a tenant died, leaving a daughter, the lord

Suit of Court.

qui habent suam sacam et socam, et de his terris, scilicet Goslaches et Bocheland, et alium Bocheland, et tertium Bocheland, et Herste, i. jugum de Ora, et i. jugum de Herte. (Chent, I.)

[And when a man who holds *Bookland* dies, the King has therefrom the relief of the land, with the exception of the land of Holy Trinity and of St. Augustine's and St. Martin's and with the exception of these men:—*Godric of Burnes, Godric Carlessone, Arnold Cilt, Isba Bigon, Siret de Cilleham, Turgis, Norman* and *Azor*. Over them the King has forfeiture of their heads only, and he has relief from the lands of those who hold "sake and soke," and from these lands, to wit Goslaches and Bocheland, and the second Bocheland and the third Bocheland, Herste, one yoke of Ora, and one yoke of Herte. (Kent, I.)]

^a Heming, pp. 76, 77.

^b Four hides of land in Benningworth, and fifteen hides in Hantona, in the hundred of Oswald's law, were claimed by the Abbot of Evesham. The abbot appears to have denied the services. The first was heard by the king's justices appointed by his writ or patent, and terminated by the submission. Hæc est commemoratio placiti, quod fuit inter W. Episcopum et Walterum Abbatem de Evesham, hoc est, quod ipse episcopus reclamabat super ipsum abbatem, sacam et socam, et sepulturam, et ciricsceat, et requisitiones, et omnes consuetudines faciendas ecclesiæ Wigornensi in hundredo de Oswaldeslawe, et geldam regis

Part II.

et servitium et expeditiones in terra et in mari de xv. hidis de *Hantona* et de iiii^r hidis de *Benningewrde*, quas debebat Abbas tenere de Episcopo, sicut alii feudati ecclesiæ ad omne debitum servitium Regis et Episcopi libere tenent. De hac re fuit magna contentio inter Episcopum et Abbatem, qui Abbas diu resistens injuste hoc defendebat. Ad ultimum tamen hæc causa ventilata et discussa fuit per justitiam, et breve, et preceptum Regis *Willielmi* senioris, quod misit de *Normannia*, in presentia *Gosfredi Constantiensis* Episcopi, cui Rex mandaverat, ut interesset predicto placito, et faceret discernere veritatem inter Episcopum et Abbatem, et fieri plenam rectitudinem. Ventum est in causam. Conventus magnus factus est in *Wirecestra* vicinorum Comitatum et Baronum ante *Gosfridum* Episcopum. Discussa est res, facta est supradicta reclamatio *W.* Episcopi super Abbatem. Abbas hanc defendit: Episcopus legitimos testes inde reclamavit, qui tempore regis *Edwardi* hæc viderant, et predicta servitia ad opus Episcopi susceperant. Tandem, ex præcepto justitiæ regis et decreto baronum, itum est ad iudicium. [This is a memorandum of the suit which was held between Bishop *William* and *Walter*, Abbot of *Evesham*, to wit that the Bishop claimed from the abbot that sake and soke, sepulture (burial fees), church-scot, requisitions and all customs should be paid to the church of *Worcester* in the Hundred of *Oswaldslaw*, and also the King's geld, service and expeditions on land and sea, in respect of fifteen hides of *Hampton* and four hides of *Bengeworth*, which the Abbot was bound to hold from the Bishop, just as other tenants of the church under a free tenure have their holdings subject to all service due to King and Bishop. On this matter a great contention arose between the Bishop and the Abbot and the Abbot resisted for a long time and unjustly denied the services. Finally however this cause was heard and tried before the justices by a writ and command of King *William* I., which he sent from *Normandy*, in the presence of *Geoffrey*, Bishop of *Coutances*, to whom the King had given commands that he should intervene in the aforesaid suit and cause the truth to be established between the Bishop and the Abbot and full right performed. The matter came into the Court. A large assemblage of the neighbouring Earls and Barons gathered at *Worcester* before Bishop *Geoffrey*. The matter was discussed: the aforesaid claim was made by Bishop *William* against the Abbot. The Abbot denied it. The Bishop called on the matter legal witnesses, who had witnessed these acts in the days of King *Edward* and had undertaken the

could give her in marriage to a knight, in order that the service might be duly performed^a; and it should seem that a widow, holding the lands of her husband in dowry, could

Part II.

Wardship and Marriage.

aforesaid services on behalf of the Bishop. At length in accordance with the order of the King's justice and the decree of the barons the matter came to judgment. (Heming's Chartulary, pp. 80, 81.)] The abbot withdrew his suit, the shire attested the agreement between the parties, and a writ of execution was issued in favour of the abbot upon the concord. (Heming, pp. 80, 81.)

Offa grants Cropthorne to the Bishop of Worcester,—eo tenore ut quisquis habuerit aliquem ex ipsis viculis venerabili Episcopo *Tilthere* omnibusque suis successoribus servitium faciat, in vectigalibus, et expeditionibus omnibusque aliis subjectionibus, qualescumque Episcopus ipse suique successores mihi meisque successoribus persolvere debuerint. Si vero aliquis ex ipsis hominibus deliquerit, vel de patria in exilium missus fuerit, vel alio aliquo modo de honore pulsus fuerit, terra ipsa, sine omni refragatione, antiquæ ecclesiæ in *Wigreceastre* restituatur. (Heming, p. 96.)¹

[on this proviso that whosoever shall hold any of these hamlets, should do service to the venerable Bishop *Tilthere* and to all his successors, in taxes, expeditions and all other charges whatever, that the Bishop and his successors are bound to perform to me and my successors. If however any of these men forfeit his holding or be sent in exile from the country or be deprived of his holding in any other way, the land itself, without any resistance, is to be restored to the ancient church of Worcester. (Heming's Chartulary, p. 96.)]

But at the same time the lord might discharge his right of escheat. Oswald *gebooks* two manses at Clifford, to his Thane or "Minister," Wihthelm, for his own life, and the lives of two heirs, but with a proviso, that let him do whatever he may do, the land is not to be forfeited to the Church. (Heming, p. 201.)²

^a Hanc terram tenuit *Sirof* de Episcopo, tempore Regis *Edwardi*, quo mortuo, dedit Episcopus filiam ejus cum hac terra cuidam suo militi, qui et matrem pasceret, et Episcopo inde serviret. (Wirecestrescire, p. 173.)

[*Sirof* held this land from the Bishop in the time of King *Edward*; but when he was dead, the Bishop gave his daughter with this land to a certain knight of his, in order that he might both provide for her mother and do service therefrom to the Bishop. (Worcestershire, p. 173.)]

Part II.

not marry again without the consent of the King^a. The law of Canute professes to secure to her the right of making her choice; nor was the marriage of Wife or Maiden to be sold. But the suitor, though he was prohibited from bargaining with the lord, might show his gratitude for the assistance which he had received in wooing^b. He might give a present to the party by whose influence he obtained the Lady's hand; and as she could not accept him whom she liked best, without the King's assent, the freedom of choice enjoyed under King Canute's *congé d'élire* may have differed little in practice, from a recognized power over the disposal of her person and property.

There are some passages which seem to show that *Bocland* placed the owner in immediate subjection to the Crown. The King was to have the *Wites* of all who held *Bocland*^c, and if the owner committed any crime punishable by outlawry, his *Bocland* was forfeited to the King, whoever might be his lord^d; that is to say, that the prerogative of the Crown compelled the rights of the other lords to give way. In subsequent times the same species of prerogative may be observed. If the tenant held land of the Crown,

Wites or fines incurred by the holders of *Bocland*, to belong exclusively to the King

^a Hanc villam, antequam *Daci* regnum *Angliæ* invasissent, quidam *Anglus* hæreditaria sorte possidebat. Cui cum natura liberos invidisset, sine hærede mortis legem subiens, conjugî suæ superstiti eam reliquit dotis nomine possidendam. *Cnutonis* ergo Regis tempore, quidam *Dacus* cum memorata muliere ex permissione Regis connubium trahens, prædictæ villæ dominium jure conjugis est adeptus. (Hist. Rams. p. 441.)

[A certain *Englishman* used to possess this township by hereditary right before the *Danes* invaded *England*. When Nature had refused him children and he bowed his head to the law of death without an heir, he left it as a possession to his wife who survived him, as dowry. In the time of King *Canute* therefore, a certain *Dane*, having contracted a marriage with the above-mentioned wife with the King's permission, in his wife's right obtained the lordship of the aforesaid town. (Chronicle of Ramsey, p. 441.)]

^b And let no man compel either wife or maiden to [marry him] whom she herself shall dislike, nor let her be sold for money, excepting as to what he may give of his own free will. (Canute, II. 72.)

^c Ethelred, 2.

^d Canute, 12.

and of a mesne lord, the latter lost the wardship of the heir. Part II.

THE "FYRD,"—"EXPEDITION,"—OR GENERAL ARRAY.

HOWEVER different the duties imposed upon the various classes may have been, the "Fyrd," the "Expeditio," or "Herrbann," evidently embraced all the force of the country^a. The levy was summoned by the King, and the necessary defence of the realm or empire involved every case in which military service could be required^b. The Host or *Here* was assembled by royal *Bann* or edict^c, and the "Scyp-fyrd," or naval expedition, was called out in the same manner as the land force.

The "Fyrd" or
"Expedition,"
the "Herrbann"
of the Franks.

Summoned by
the King.

^a In the Latin chronicles and charters, both of the Anglo-Saxons and of France and Germany, *Expeditio* is the term most usually employed, but *Herebannum* in the capitularies. *Fyrd* (A. S.), from *Faren*, to issue, or go forth, requires no comment. The Anglo-Saxons had the phrase of "bannan ut here" (Sax. Chron. p. 230), and probably the term *Herebann* was also in use amongst them, though we cannot quote any document in which it appears.

^b See the grants to the clergy, *passim*. In Æthelbald's general charters (Concilia, I. 101), it is declared that they were to be freed from all taxes and burdens,—omnibus operibus absolvantur nisi sola quæ communiter fruenda sint, omnique populo edicto Regis facienda jubentur, id est, in structionibus pontium, vel necessariis defensionibus arcium contra hostes [let them be freed from all duties save only those which are discharged by the whole community and are ordered by the King's edict to be performed by all the people, to wit, the building of bridges or the necessary defences of citadels against the enemy].

^c These assemblages are sometimes expressly stated to have been made by the assent of the Witenagemot.

999 The King counselled with his *Witan*, to proceed against the enemy with "scip-fyrd" and with "land-fyrd."

1010 And all the *Witan* were summoned to the King, that counsel should be taken how this land should be defended. But whatever was counselled, it did not stand further than a month.

Part II.

From the earliest period to which our documents can reach, we find the *Fyrd* appearing as a general armament of the people, comprehending every rank, though under different obligations and penalties. If the *Sithcund* man, being a landholder, remained at home, he forfeited all his land, and paid a fine of one hundred and twenty shillings. If he did not possess any land, sixty shillings was his fine; whilst thirty shillings was the *Fyrdwite*^a of the Churl^b, and, to the last, it continued as a levy of all the population of the country^c.

Penalties
imposed upon
defaulters.

Attendance was strictly enforced; whoever departed from the King's Host forfeited all his property. This we ascertain from a declaratory law enacted in the time of Ethelred^d.

And there was not a head man who would assemble or gather any *Fyrd*, but every one fled, as he best might, and furthermore no Shire would assist or stand by the other.

^a The *wite* or penalty for neglecting the *Fyrd*.

^b More literally, if he remain [sitting] at home. Gif gesithcund man landagende fyrde forsitte, gesylle hundertwelftig scill', and tholige his landes; unlandagende syxtig scill'; Ceorlise, thrittig scill' to fyrdwite. (Ina, § 51.) [If a "gesithcund" man, owning land, absents himself from the army, he shall pay one hundred and twenty shillings, and forfeit his land; if he does not own any land, he shall pay sixty shillings and the Ceorl shall pay thirty shillings as fyrdwite.]

^c Tha het se cyng abannan ut ealne theodscipe. (Sax. Chron. A.D. 1009.) [Then the King commanded the whole nation to be called out.]

^d Namely, the very curious decree of the Council of Enham... Quodam tempore contigit, ut Regis *Aethelredi* edicto concrepante, Archipræsulumque *Aelfeahi* et *Wulfstani* hortatu instigante, universi *Anglorum* optimates die sancto Pentecostes ad locum ab indigenis *Eanham* nominatum acciti sint convenire. Collecto itaque ibidem Christicolarum coetu venerabilium quamplurimorum, de Catholica cultu religionis recuperando, deque etiam rei statu publicæ reparando vel consulendo, plura et non pauca, utpote divinitus inspirati, ratiocinando sermocinabantur. Denique in eorundem synodalis exordio sermocinationis episcopi semetipsos primitus fidei speique et charitatis, quatuorque principalium virtutum, prudentiæ videlicet et justiciæ, fortitudinis quoque et temperantiæ decore adornari mutuis colloquiorum instructionibus salubrium invicem cohortabantur; statueruntque

In Canute's statute there is another law to the same effect ;— **Part II.**
if a man fleeth from his *Hlaford*, or from his *Gerefa*, whether

pro invicem cotidianam interventionem ; atque pactum pacis et concordiae fideliter firmiterque inter se confirmabant....

Arcium muri, urbes, oppida, castella, civitates, pontes reparentur, restaurentur, renoventur, vallis et fossis muniantur et circumvallentur.

Naves per singulos annos ob patriæ defensionem et munitionem præparentur, postque sacrosanctum Pascha cum cunctis utensilibus competentibus simul congregentur. Qua igitur etiam poena digni sunt, qui navium detrimentum in aliquibus perficiunt, notum cunctis esse cupimus. Quicumque aliquam ex navibus per quampiam inertiam vel per incuriam, vel negligentiam corruerit, et tamen recuperabilis sit, is navis corruptelam vel fracturam ejusdem persolidam prius recuperet, regique deinde ea, quæ pro ejusdem munitionis fractura sibimet pertinent, rite persolvat.

Si autem de expeditione, id est de procinctu, cui ipse Rex intererit, sine licentia quisquam discesserit, rerum facultatumque discrimen cunctarum incurrat. (Concilia, I. pp. 292, 294.)¹

[At a certain time it came to pass that at the summons of King *Ethelred's* edict and the instigation and exhortation of Archbishops *Ælfheah* and *Wulfstan*, all the nobles of the *English* were summoned to assemble on the holy day of Pentecost at a place which the inhabitants call *Eanham*. When therefore an assembly of very many venerable followers of Christ had gathered at that place, much debate and many speeches, as though indeed they were inspired by heaven, were uttered concerning the restoration of Catholic worship and also concerning measures of reform and better management of the State. Finally at the opening of their synodal discussion, the Bishops mutually encouraged one another to adorn themselves, by the interchange of instruction conveyed in wholesome talk, with the grace, first of faith, hope and charity and secondly of the four principal virtues, to wit, prudence, and justice and also fortitude and temperance ; and they determined that there should be daily intercession among them, and they faithfully and firmly confirmed a compact of peace and concord among themselves....

The walls of citadels, towns, fortified places, castles, cities and bridges should be repaired, restored and renewed

Part II.

it be from "*scip-fyrd*" or "*land-fyrd*," let him lose all that he hath, and his life to boot; and let the lord seize his property, and all the land which he granted to him; and if he have Bocland, let it escheat into the King's hand. And the man who falls before his lord in the Expedition, either within the realm or without the realm, let the heriot be forgiven to him, and let the heirs enter into possession of the land and property, and divide the same according to law^a.—

and should be fortified and surrounded by ramparts and ditches.

Ships should be prepared every year for the defence and fortifying of the fatherland, and after the holy season of Easter they should be assembled together with all the equipage required. We desire that it should be known by all men what punishment they deserve who cause damage to the ships in any way. Whosoever shall damage any of the ships through any act of laziness or carelessness or negligence, and the ship be not however beyond possibility of repair, let him first mend the hurt or breakage of the ship till it be whole again, and then let him duly pay to the King the compensation which is owing him for the breakage of the said armament.

If however anyone shall without permission depart from the army, namely the force assembled with the King present, let him incur the loss of all his goods and privileges. (Wilkins, Councils, I. pp. 292, 294.)]

^a Canute, II. 75, p. 176. I add the very ancient Latin text from Rosenvinge's excellent edition, p. 98,—

Si quis, timore perterritus, a domino suo aut a sociis suis fugerit de bello, sive in terra sive in mari, careat omnium bonorum suorum cum vita, et dominus suus accipiat omnia, quæ illius sunt, et terram si quam ei antea dedisset; si autem habuerit allodium, sit Regis.

Si quis vero ceciderit ante dominum suum in bello, sive in patria sive extra patriam, relevatio domini sui, scilicet *heregeat*, perdonetur uxori ejus, vel hæredibus; hæredes autem habeant omnia ejus cum terris, et juste dividant¹.

[If any man through stress of fear deserts his chief or his comrades in a fight, whether by land or by sea, let him lose all his goods and his life as well; and let his lord seize all that is his and the land, if he had formerly granted him any; and if he have Bookland, let it be the King's.

Many local customs were grounded upon the general law. **Part II.**

In Worcestershire, a freeman having "sak and soc" was liable to forfeit all his land in case of default. But if he was the Vassal of a Lord, he could redeem his neglect by paying forty shillings to the substitute whom the lord had provided; if no substitute was found, then the lord paid forty shillings to the King, and the vassal, in his turn, paid forty shillings to the lord^a.

Local customs altering the general law of military service.

In Kent, a manor or township is stated as owing one "Miles" to the Archbishop, the lord thereof. From the special notice, we must conclude, that this was either more or less than the usual rate of service required by the general custom of the shire^b.

If any man falls before his lord in battle, either in the country or outside the country, let the relief due to his lord, to wit the *heriot*, be forgiven to his wife or his heirs; let his heirs moreover take possession of all his property and his lands and divide the same fairly.]

^a Quando Rex in hostem pergit: si quis *edictu ejus* vocatus remanserit, si ita liber homo est ut habeat socam suam et sacam et cum terra sua possit ire quo voluerit; de omni terra sua est in misericordia Regis. Cujuscunque vero alterius Domini liber homo, si de hoste remanserit, et Dominus ejus pro eo alium hominem duxerit, xl. sol. Domino suo, qui vocatus fuit emendabit. Quod si ex toto nullus pro eo abierit; ipse quidem Domino suo xl. sol. dabit. Dominus autem ejus, totidem sol. Regi emendabit. (Wircestrescire, p. 172.)

[When the King marches against an enemy, if anyone when summoned *by the King's edict*, remains at home, if he possesses such independence of others that he has soke and sake and with his land can go wheresoever he wishes, for all his land he is in the King's mercy. But if the free man dependent on any other lord whatsoever stays away from the enemy, and his lord takes another man in his stead, he who was summoned shall pay a fine in default to his lord of forty shillings. But if no one at all goes in his place, he himself shall give forty shillings to his own lord, and his lord shall pay as many shillings to the King. (Worcestershire, p. 172.)]

^b Reddit viginti tres libras et unum militem in servitio Archiepiscopi. (Chent, p. 3.)

[It pays £23 and one knight in the service of the Archbishop. (Kent, p. 3.)]

Part II.

When the general array was proclaimed, there was, in some shires, a general assessment of the whole territory, grounded upon the estimated admeasurement of the land. From every five hides, one soldier was furnished, and the other hides contributed to his stipend, each paid four shillings for the two months during which his service was to endure. This money was impounded; it was not paid as a tax to the King, but kept back, in order to satisfy the military^a. In some boroughs, as in Colchester^b, every house contributed to the maintenance of the "*soldiers*," so called by the compilers of Domesday, but who appear to have been only the ordinary Fyrd, or militia of the shire. All Exeter contributed only as five hides of land^c. In Warwick ten burgesses served for all the rest; a defaulter paid the heavy fine of one hundred shillings; the same city also furnished four *Bat-suens*^d, or *Boatswains*, for the naval expedition: but four pounds might be paid as a commutation for the mariners^e.

The men of Wallingford, when they performed service, followed either on horseback or by water, but within a

^a Si Rex mittebat alicubi exercitum; de v hidis tantum unus miles ibat, et ad ejus victum vel stipendium de unaquaque hida dabantur ei iv. sol. ad ii. menses.

Hos vero denarios Regi non mittebant, sed militibus dabantur. Si quis in expeditionem summonitus non ibat, totam terram suam erga Regem forisfaciebat. Quod si quis remanendi habens, alium pro se mittere promitteret, et tamen qui mittendus erat remaneret; pro l. sol. quietus erat Dominus ejus. (Berrochescire, p. 56.)

[If the King sent his army anywhere, for five hides only one soldier went, and for his food and pay for two months four shillings are given him from every hide.

Still they did not send this money to the King, but it was given to the soldiers. If any man when summoned on an expedition did not go, he forfeited all his land to the King. But if anyone having a reason for staying away promised to send another in his stead and the substitute also absented himself, his lord was mulcted in fifty shillings. (Berkshire, p. 56.)]

^b Essexia, II. p. 211.

^c Devenescire, p. 100.

^d The *Swain* or *Youngman* of the boat, i.e. the strongest or most robust of the crew, and therefore the Head-man.

^e Warewicscire, p. 238.

certain boundary, beyond which they were not required to **Part II.** pass^a. From Leicester, twelve burgesses were obliged to accompany the King in the land army; if the expedition was by sea, then four performed the service. Dover contributed only to the scyp-fyrd, twenty vessels, each containing twenty-one men, for the space of fifteen days^b.

The Fyrd might be raised either by the Earl^c or by the "Vicecomes." Possibly their summons was considered as equivalent to the summons of the King^d. The troops of each Shire were marshalled together^e; and we cannot doubt

^a Berrochescire, p. 56.

^b Chent, I.

^c Of the fact there are many examples in the chronicles; for instance, the transactions of the years 1010, 1051.

Hereford, p. 179.

Si vicecomes evocat eos ad siremot, meliores ex eis, sex aut septem vadunt cum eo. Qui vocatus non vadit, dat duos solidos, aut unum bovem Regi, et qui de hundret remanet tantundem persolvit.

Similiter emendat qui jussus a vicecomite secum ire in *Walis* non pergit. Nam si vicecomes non vadit, nemo eorum ibit; cum exercitus in hostem pergit, ipsi per consuetudinem faciunt *Avantwarde* et in reversione *Redrewarde*.

Hæ consuetudines erant *Walensium* T. R. E. in *Arcenefelde*.

[If the sheriff summons them to the shiremoot, the best of them, six or seven in number, go with him. And he who does not go when summoned, pays two shillings or one ox to the King; and he who remains behind from the hundred pays the same.

In the same way he shall be fined, who, when ordered by the Sheriff to go with him to *Wales*, does not go. For if the Sheriff does not go, none of them will go; when the army marches against the enemy, they, according to custom, form the *Vanguard*, and when they retreat, the *Rearguard*.

These were the customs of the *Welsh* in the time of King Edward in *Archenfield*.]

^d Sciropscire, p. 252.

^e This year came the aforesaid army, after Easter, into East Anglia, and went up at Ipswich, where they heard say that Ulfcytel was with his *fyrd*. The Angles soon took flight, but *Grantebricgscyre* stood firmly against them. (Sax. Chr. A.D. 1010.)

Part II.

that those of each Burgh and Hundred were assembled around their own standard^a.

(See Part I.,
p. 143.)

Detachments of
certain districts,
entitled to
particular
stations in
the Fyrd.

The Bishop of Worcester had a leader who headed his contingent both by sea and land; but it may be ascertained, that many of the prelates led on their troops, as boldly as any lay lord^b.

Many of the battalions were entitled to claim particular posts in the army. The men of Archenfield had their station of honour amidst the Fyrd of the shire of Hereford. They formed the vanguard when the "Vicecomes" advanced against the enemy, and the rearguard when the troops returned from the foray. Kent possessed the same position in the army of Wessex; and the "Burgware," or Burgesses of London, were entitled to form the body-guard of the

^a The Burgesses who held the lands of the Canons of York were mustered under the banner of St. Peter.

Quando autem Rex congregabat exercitum, unus homo tantum præparabat de totâ terrâ canonicorum cum vexillo Sancti Petri, qui, si Burgenses in exercitu irent, dux et signifer eos præcederet, sine Burgensibus vero nec ipse iret. (Carta Hen. I. de Libert. Eccl. Ebor., Mon. VI. 1180.)

[When the King was assembling his army, one man only from all the lands of the Canons made ready with the banner of St. Peter; and he, if the Burgesses went with the army, had to head them as leader and standard-bearer, but he had not to go himself, if the Burgesses did not go. (Charter of Henry I. concerning the Liberties of St. Peter's, York.)]

OXON. *Willielmus filius Roberti de Nether-horton tenet unam virgatam terræ in Nether-horton per serjanciam deferrendi pene-cellum coram hundredo, per quadraginta dies, ad custum suum proprium.* (Rot. Itin. 25 Hen. III. m. 4.)

[OXON. *William, the son of Robert of Nether-Worton, holds one virgate of land in Nether-Worton by the serjeanty of carrying the pennon before the hundred for forty days, at his own cost.* (Eyre Rolls, Oxfordshire. 25 Henry III., fourth membrane.)]

^b *Edricus qui fuit tempore Regis Edwardi Stermannus navis episcopi et ductor exercitus ejusdem episcopi ad servitium Regis.* (Heming, p. 81.) [*Edric who was, in the time of King Edward, Steersman of the Bishop's ship and leader of the army of this same Bishop for the King's service.* (Heming's Chartulary, p. 81.)] Edric served both by sea and by land.

King^a, and to protect the standard which he unfurled. Part II.
Some of the customs seem to indicate a particular summons to individuals as well as a general summons to the shire. This important point, however, cannot be clearly ascertained.

The ship-service was rendered general by Ethelred; and pursuant to the same enactment, the Shires were assessed to furnish a hauberk and a helm for every eight or nine hides. The latter law rather implies, that a horseman, thus equipped and arrayed, should be sent to the Fyrd at the expense of the owner or owners of the definite quota of land^b. This law may be compared with the Carolingian regulations, by which the lieges provided arms and armour to the extent of their property^c.

Ethelred's law concerning military and naval service.

^a We collect these particulars from Wace (1957—1966).

Kar ço dient ke cil de Kent
Deivent férir premierement;
Ou ke li Reis auge en estor,
Li premier colp deit estre lor.
Cil de Lundres, par dreite fei,
Deivent garder le cors le Rei;
Tot entor lui deivent ester,
E l'estandart deivent garder¹.

[For this they say, that the men of Kent have the right of striking the first blow: wherever the King may go into the conflict, the first blow is theirs by right. The men of London, in true loyalty, ought to guard the King's body: all around him it is their duty to stand, and it is their duty to guard the standard.]

^b 1008 *Rex Anglorum Ethelredus* de trecentis et decem cassatis unam trierem, de *novem* vero, loriam et cassidam fieri: et per totam *Angliam* naves intente præcepit fabricari. (Flor. Wigorn.) [1008 *Ethelred*, King of the *English*, ordered one ship to be furnished for three hundred and ten hides, but for *nine* a hauberk and a helm; and throughout the whole of *England* he ordered ships to be zealously built (Florence of Worcester).]—of þrym hund hidum and of tynum hidum ænne scegþ and of *eahta* hidum, helm and *byrnan*². [From three hundred and ten hides, one ship, and from *eight* hides, helmet and *coat of mail*.] The Latin and Saxon chronicles differ, and the latter is obscure. I expect that the labours of Mr. Price and Mr. Petrie will remove this and many similar difficulties.

^c Omnis homo de duodecim mansis *bruniam* habeat. Qui vero *bruniam* habens, in exercitu non tulerit, omne beneficium cum *brunia* perdat. Capitulare, ann. 805, § 8. [Let every man

Part II.

The general array of the King's Host continued to be called by its old Saxon name of *Fyrd* as late as the reign of Henry I., and we hence collect that, in popular estimation at least, there had not been any material change^a.

Watch and ward, how performed by the landholders. Land specially granted for the performance of such service.

Closely connected with the military service was the duty of Watch and Ward, which afterwards became the peculiar province of the Conservators of the Peace. *Stretwarde* was performed by four men from every hide^b in the Hundred; but, like all other duties, it was often limited and defined by local customs. From the lands of the principal Kentish Thanes the King was entitled to six days ward, either at Canterbury or Sandwich. The King was to provide them with meat and drink, and if he did not, they were discharged without fine^c. Such a service was a general obligation, but

of twelve manses have a *hauberk*. But he who has a *hauberk* and does not wear it in the army, let him lose the whole of his fief and the *hauberk* as well (Ordinance of Charlemagne, 805).]

^a The register of Shaftesbury monastery (Bib. Harl. No. 61), amongst many other very curious documents, contains an enumeration of the Knights' fees belonging to the House, in the vernacular English of the period to which I allude, and which is thus rubricated by the scribe,—*Thes beth thære Knyghtene Londes, thil syllen into voerdevere myd the Kyng, myd hyre hors, and myd hyre ygare for thare Chyrche of Sheftesbury.* [These are the Lands of the Knights, who have to join the host with the King, with their horses and their gear on behalf of the Church of Shaftesbury.] Then follows the particularization, of which the first entry may be taken as a specimen.—That ærest lond hatteth *Chiklad*, and ys on yhol *Knyghtesmeteholm*. [The first land is called *Chicklade* and is a whole knight's fee.] This *terrier* is not a legal document drawn up by a clerk of the Exchequer, in the language and phraseology of the King's Court, but the statement of a monk, who writes the feodary in his own mother tongue.

^b Or perhaps one man from every ten hides, for the texts differ. See above, p. 138.

^c Chent, p. 1. De terris supra nominatis, *Arnoldi Cild* et similibus ejus; habet Rex custodiam, sex diebus apud *Cantuariam* vel apud *Sanuic* et ibi habent de rege cibum et potum. Si non habuerint, sine forisfactura recedunt. Si fuerint præmoniti ut convenient ad sciram, ibunt usque ad *Pinnedennam*, non longius.

lands might be granted upon the tenure of performing this **Part II.** important duty^a.

Et si non venerint, de hac forisfactura et de aliis omnibus Rex c. solidos habebit, excepta *Gribrige* quæ viii. lib. emendatur.

[Chent, p. 1. From the lands mentioned above, those of *Alnold Cild* and those like him, the King has ward of six days at *Canterbury* or at *Sandwich*, and there they have food and drink from the King. But if they do not have this, they go away without fine. If they have received notice to attend the Shiremoot, they will go to Pennenden and no further. But if they do not come, the King shall have one hundred shillings for this forfeiture and for all others, except *Grithbreach*, for which the fine is eight pounds.]

^a Iste quoque Abbas, dictus *Leofstanus*, cognomento *Plumstan*, cum esset homo pius ac simplex, et omnibus compatiens periclitantibus, ut viatoribus et institoribus, neonon et peregrinis, beati *Albani* ecclesiam pro expiatione peccatorum suorum et corporum prosperitate adeuntibus, vias prepararet tutiores: opaca nemora quæ a limbo *Ciltriæ* usque *Londoniam* fere, a parte septentrionali ubi præcipuè strata Regia quæ *Wallingestrata* dicitur, fecit resecari, salebras explanari, pontes fabricari et abrupta viarum in planitiem redigi tutiorem. Abundabant enim eo tempore per totam *Ciltriam* nemora spatiosa, densa et copiosa, in quibus habitabant diversæ bestiæ, lupi, apri, tauri sylvestres et cervi abundanter: necnon et qui plus nocuerunt, prædones, latrones, vispillones, exules et fugitivi. Unde Abbas *Leofstanus* (non ad damnum, sed ad commodum hujus ecclesiæ) concessit cuidam militi strenuissimo, *Thurnotho* nomine, et duobus suis commilitonibus *Waldef* et *Thurman*, manerium de *Flamsteede*, pro quo dedit eidem Abbati *Leofstano* dictus miles *Thurnothus* quinque uncias auri, et unum palefridum pulcherrimum, et unam leoparariam desiderabilem. Quod tamen factum est talis conditionis tenore, ut dictus miles *Thurnothus* cum suis commilitonibus prænominatis, et eorum sequela, partes illas occidentales quæ maxime latronibus abundabant, tam a bestiis nocivis quam prædonibus tuerentur et potenter custodirent, et pro damnis si per desidiâ eorum evenirent, competenter responderent. Et si communis guerra oriretur in regno, omnem diligentiam et totum posse fideliter adhiberent ad ecclesiæ Sancti Albani tuitionem. Quod et ipse *T.* et ejus socii eis fideliter adimpleverunt et eorum similiter hæredes, usque ad tempora Regis *Willielmi*, qui *Angliam* sibi conquisivit. Tunc enim ablatum est ab eis dictum manerium,

Part II.

Bridge and
Burgh bote.

The Bridge and Causeway service, as well as the "Burgh-bote," were general obligations like the Fyrd, but their nature often subjected particular lands to the charge.

quia pati jugum *Normannorum* dedignabantur. Et nemora adeuntes, indomabiles facti, et *Normannis* qui in suas terras se ingesserunt insidias præparantes et domus eorum combusserunt et multos de illis peremerunt. Sed prosperante Regè memorato, omnes vel ad pacem qualem qualem redierunt, vel capti (sicut sequens narratio declarabit) perierunt. Veruntamen quidam nobilis, *Rogerus de Thoni* nomine, cui successit in sortem distributionis illud manerium, noluit jus Sancti *Albani* auferre et servitium prædictum strenuè adimplevit. (M. Paris, Vitæ Abbatum S. Albani, pp. 45, 46.)

[This Abbot also, called *Leofstan*, and bearing the surname of *Plumstan*, since he was a man holy and simple and compassionate to all in peril, to make the roads safer for travellers and pedlars and also for the pilgrims, who were going to the church of *St. Albans* for the expiation of their sins and the benefit of their bodies, caused all the dense woods, which stretch from the border of the *Chilterns* almost as far as *London* on the northern side in particular where lies the Royal street, which is called *Watling Street*, to be cut down, the uneven parts of the road to be levelled, bridges to be built and the steep places on the roads to be reduced to a safer level. For at that time extensive woods, thick and closely set, abounded throughout the whole of the *Chilterns* and in them there used to dwell in great profusion beasts of various kinds—wolves, wild boars, wild bulls and stags, and also what was far more harmful, footpads, robbers, plunderers, exiles and fugitives. Wherefore Abbot *Leofstan* (not to the loss but to the advantage of this church) granted to a certain powerful knight, by name *Thurnoth*, and to two of his fellow-knights, *Waldef* and *Thurman*, the manor of *Flamsted*, for which the aforesaid knight *Thurnoth* gave to this same Abbot *Leofstan*, five ounces of gold and one beautiful palfrey and one goodly grey-hound. And this was done on this proviso and condition, that the aforesaid knight *Thurnoth* with his fellow-knights named above and their following, should guard and strongly protect those western districts, which in particular were infested by thieves, both from harmful beasts and from footpads, and should render just compensation if any loss happened through their slothfulness. And if civil war broke out in the kingdom, they should show all diligence and loyally

Certain lands were specially liable to the repairs of Rochester **Part II.** bridge, each tenure having its own pier^a. For the repairs of the bridge and walls of Chester, one man was bound to come from every hide in the shire, at the bidding of the *Præpositus*^b.

THANES AND THANAGE—HUSCARLS.

THERE is a great deal of obscurity with respect to the station and rank of the Anglo-Saxon *Thane*. As far, however, as the word itself is concerned, we can have no doubt of its primitive signification, nor of its ultimate application. A *Thegn* or *Then*^c was originally a "*Minister*" or *Servant*, and thus the dignity, or rather the office, is denominated in the Anglo-Saxon charters: but it gradually became restricted to landholders: and at the time of the Conquest, and until the Anglo-Saxon written language passed entirely into colloquial English, the word was generally considered by historians as equivalent to the term "*Baro*^d," and

Thanes, originally the "*Ministri*" or *Servants* of the Anglo-Saxon sovereigns.

do all they could to protect the church of St. Albans. And this duty *Thurnoth* himself and his comrades faithfully fulfilled *and likewise their heirs* up to the time of King *William*, who conquered *England* for himself. For then the aforesaid manor was taken away from them, because they disdained to endure the yoke of the *Normans*. And by entering the woods, they became unconquerable; and they prepared ambushes for the *Normans* who entered into possession of their lands and burnt their houses down, slaying many of them. But when the above-mentioned King became established, they all either returned to a peaceful life of some kind or other, or were caught (as the following story will tell you) and put to death. However a certain nobleman, *Roger de Toeni* by name, to whom this manor fell by the lot of distribution, did not wish to deprive *St. Albans* of its right, and with might and main fulfilled the aforesaid service. (Lives of the Abbots of St. Albans, ascribed to Matthew Paris, pp. 45, 46.)]

^a Lambard's *Kent*, p. 385.

^b *Cestrescire*, p. 262 b.

^c From *Thegnian*—*Thenian* (A.S.), *Dienen* (Germ.).

^d Thus it is stated in the *Saxon Chronicle*—Thrice did he [William the Conqueror] bear his *Cynehelm* or crown in each year, as often as he was in England. At Easter he bare it at

Part II.

employed as designating the individuals in that class of society.

The German antiquaries trace the "Ministeriales," or "Dienstleute^a," to the remotest age, and consider them as the followers of the Chieftains. The King's Thane was, in his origin, no better than any other Thane, but he would rise with his master, and the title would gain in estimation and dignity accordingly. We find the King's Thanes, designated as a distinct and superior class, at an early period of the law; and though the term continued to be applied to persons of a very inferior degree, some so low as perhaps to be *Thegns*, or Serving-men, almost in the literal sense; still, that circumstance would not detract from the dignity of the superior Thanes. Much difficulty, however, is occasioned to us, at this distance of time, by the ambiguities arising from such "homonymes," of which the different significations are perfectly intelligible, whilst they are applied to living institutions. When the word "Minister" slides off our tongue, our hearers can tell at once, whether we allude to the First Lord of the Treasury, or to the Rector of the Parish, but it is not so certain that the application of the word would be

Winchester,—at Pentecost, Westminster,—at "Midwinter," Gloucester. And there were with him all the powerful men [ealle tha ricemen] of all England,—Archbishops and Bishops, Abbots and Earls, Thanes and Knights [*Thegenas* and *Cnihtas*]. (Saxon Chron. p. 294.) Et tunc aderant ibi Archiepiscopi, Episcopi, Abbates, Consules, et *Barones* totius *Angliæ*. (Ann. Wav. p. 243.) [And at that same time there were present at that place the Archbishops, Bishops, Abbots, Consuls and *Barons* of the whole of *England*. (Annals of Waverley, p. 243.)] In Domesday, Archbishops, Bishops, and the greatest Norman Barons, are all called Thanes,—Hi subscripti Taini de *Oxenfordscire* habuerunt terram in *Wallingford*, *Lanfranc* Archiepiscopus, *Remigius* Episcopus, Abbas de Sancto *Albano*, R. Abbas, Comes *Hugo*, *Walterus Giffard*, &c. (Berrochescire, p. 56.) [The under-mentioned Thanes of *Oxfordshire* held land at *Wallingford*, Archbishop *Lanfranc*, Bishop *Remigius*, the Abbot of *St. Albans*, Abbot *R.*, Earl *Hugh*, *Walter Giffard*, etc. (Berkshire, p. 56.)] Thus, also, in the account of the proceedings of the Council of London, 1127 (see above, p. 642), the Thanes of the Saxon Chronicle are the Barons of the Chronicle of Melrose.

^a See Eichhorn, &c.

always intelligible to a foreigner. Now, *we*, are as foreigners Part II.
to the Anglo-Saxons, and this circumstance should be borne
in mind, if the same word seems to be employed with
varying, or even discordant meanings.

In the later period of the Anglo-Saxon Empire the word
Thane^a, which sometimes appears as equivalent to Homo^a,
or Vassal^a, was extended to all members of the landed popu-
lation, who not being either Aldermen or Ceorls, had yet a
right to assent to the enactment of laws^b. They constituted
a class between the highest nobility and the villeinage. To
them the King's *writs* were addressed; it was the Thanes
who pronounced judgment, and gave testimony in the
Shire^b. It was they who filled the ranks of Harold's army,

Name or title of
Thane, extended to
all the landed popula-
tion, not being of the
highest or lowest
grade, i.e. neither
Aldermen nor Ceorls.

^a As in Domesday, Bedfordshire, p. 211, in which "Alwoldus,"
who held the manors of *Bruneham, Stiventone, Pabenharn, &c.* is
indifferently styled "Teignus Regis *Edwardi* [Thane of King
Edward]," and "Homo Regis *Edwardi* [Man of King *Edward*]."

^b This was the case as early as the reign of Athelstane:—see the
Kentish Address. (See above, p. 170.) Edward the Confessor's
Writ of Restitution in favour of the monks of Christ Church,
Canterbury (Mon. I. 99), addressed to Earl Harold, and the
Archbishop and "ealle mine Thegenas on Cent" [all my thanes
in Kent], is grounded upon the judgment or doom of the Thanage,
—"for tham that ic wille that se dom stande, that mine Thegenas
gedemdan" [because I will that the judgment stand which my
thanes delivered]. The question in this case was the validity of a
donation. The "Thegenas on East Seaxan" [Thanes of Essex]
are the witnesses of a *Cwide* or bequest (Writ of the Confessor,
Mon. I. 107). Innumerable examples to the same effect may
be given. The general direction, or greeting to the Thanes, was
continued after the Conquest. One of the latest instances
occurs in a charter of Henry I., issued between 1123 and 1135,
in favour of the Archbishop of Canterbury,—H. thurh Godes
gevu Ænglelandes kyning, grete ealle mine bisceopes, and ealle
mine eorles, and ealle mine scirægerevan, and ealle mine thegenas,
frencisce and englisce (Lye, App. No. 6) [I Henry, through God's
gift King of England, greet all my Bishops and all my Earls, and
all my Sheriffs, and all my Thanes, French and English]. Canute
addresses himself to the *Barons* of Worcestershire (see above,
p. 519)—These are the Thanes of his charters in the Anglo-
Saxon language.

Part II.

and whose lands were divided amongst the Norman chivalry^a. In the Latin charters the word "Miles" is the equivalent of *Thane*, and the epithet of *Fidelis* is usually added thereto.

Knights, or Cnihts, originally servants, like the Thanes.

The word *Cniht*, not having been Latinised like "*Teinus*," does not appear so prominently in Domesday. It seems, however, to have possessed both the same primitive, and the same secondary meaning. A *Cniht*, a *Knecht* (Germ.^b), might be a servant of the lowest grade, a mere attendant upon his master. But the *Cniht* who obtains the *Læn* granted by Archbishop Oswald^c, is evidently a Thane, a military Thane of the first class; and, in the reign of the Confessor, we find that the Knighthood of the Shire was, as nearly as may be, equivalent to the Thanage, or great body of landed proprietors^d. "Thane" was equally applied to the Danes. The Thanes of the Danish Burghs were the Land-Lords of these towns. But the Danish Thanes also constituted a distinct class, far out of the boundaries of the Danelagh^e. The "Bonde" and the Thane seem to be considered as the two extremes of the classes of the ordinary landed proprietors. The Bonde paid thirty pence, the

Læna or Feuds granted to Knights. Cniht becomes a title of honour like Thane.

^a Lib. Abbend. Bib. Cott. Claudius B vi, f. 120. The passage is very remarkable and instructive.

^b In German, *Knecht* now signifies a menial servant, but in the earlier period it designated a soldier of high rank, and one bound by oaths of fealty. A very ancient glossary, quoted by Wachter (p. 856), gives the following interpretations,—*Militones* [Warriors]—*Chenehta*. *Sacramentis militaribus est implicatus—In Chenehto eidewuard pivangan* [He was bound by the oath of a *Knecht*].

^c See above, p. 312, piece 12.

^d Thus in a chirograph of a concord or final agreement entered into, in the shire or county court of Worcester, many of the persons present are named,—“Wulfric æt Cloddeshale, Sæword æt Uptuny, &c. and mænig god *Cniht* to eacan thysan” [Wulfric of Cloddeshall, Saeward of Upton &c., and many a good knight also].—(Hickes’s Pref. p. xxi.)¹ Amongst the many curious points to be collected from this document, we may observe the commencement of the practice of giving local surnames.

^e Thus the grant of a *Læn* made by Bishop Aldred (1049—1058) is attested by “ealle þa þegenas on Wigeraceastrescire, *Denisce* and *Englisce*” (Hickes, Gram. Angl. Sax. p. 142) [all the thanes in Worcestershire, Danish and English].

lowest fine for the breaking of the Fast^s of the Church; **Part II.**

the highest, thirty shillings, was paid by the Thane^a. I do not know whether we can consider the remarkable instances of fidelity and devotion shown by the Thanes of Cynewulf and of Edwin, as proofs merely of their deep sense of honour and allegiance. It is most probable that they were bound by some solemn engagement, and that they had received some price for their services: the evidence, showing that military services were purchased by donations of land, made by the State or Sovereign, is of the clearest description^b, and I doubt if any charter or "Landboc" can be found, containing a grant of land to any layman *not* designated as a Thane, "Minister," or Knight: and instances may be

(See above, p. 341 note b, and Bede, ii. 9.)

Military services purchased by donations of land.

^a Hickes, Diss. Epist. p. 107.

^b Thus Bede, in describing the early youth of St. Benedict Biscop (Historia Abbatum Wiremuthensium), "Nobili quidem stirpe gentis Anglorum progenitus, sed non minori nobilitate mentis ad promerenda semper Angelorum consortia suspensus. Denique cum esset Minister *Oswiu* Regis, et possessionem terræ suo gradui competentem illo donante perciperet, annos natus circiter viginti et quinque, fastidivit possessionem caducam, ut acquirere posset æternam: despexit militiam cum corruptibili donativo terrestrem, ut vero Regi militans, regnum in superna civitate mereretur habere perpetuum: reliquit domum, cognatos et patriam, propter Christum et propter Evangelium, ut centuplum acciperet, et vitam æternam possideret."—(p. 293.) [He was indeed a scion of a noble house of the nation of the Angles, but he was uplifted by no less nobility of mind to merit continual fellowship with the Angels. Finally, when he was a Thane of King *Oswy* and through his bounty obtained a possession of land in keeping with his dignity, being about twenty-five years of age, he despised this fleeting possession so that he might be able to obtain that which is eternal: he looked with scorn on earthly warfare with its corruptible rewards, that as a soldier of the true King he might be deemed worthy to obtain an everlasting kingdom in the heavenly city. He left his home, his kinsfolk and country for Christ and the Gospel, that he might receive a hundredfold and possess eternal life. (Bede, Lives of the Abbots, p. 293.)] Such donations being made by Bertwulf contrary to law they were resumed by the sentence of the Witenagemot: see above, p. 493.

Part II.

(See above, p. 303.)

Thanes, particulars
relating to their style
and condition.

found in which such grants are expressly made as the price of fealty or fidelity.

According to the traditional verses relating to the ranks and orders of society, a Thane who had another Thane beneath him, holding five hides of land, in respect whereof military service was performed, enjoyed the privilege of appearing by his Vassal when his oath was required^a. Some other of the particulars concerning Thaneship are to be collected from the very curious rules or regulations of the "Thegnagyld" of Cambridge. The members bound themselves to contribute to the payment of the blood fine, incurred by any member, provided he had not committed the slaughter treacherously or wantonly. Also, to accompany the funeral, when the body of any deceased member was carried to the grave. It was assumed that every Thane had a "Gerefa," a Reeve, his Steward, or man of business, who, in the absence of his Master, received notices for him, consequently there was no Thane who was not a landed man; and it may be remarked, that this privilege, of being represented by the Steward, continued, till a very late period, to be one of the franchises of the baronage. It was an excuse for a Thane when summoned, if he was engaged in the service of his "Hlaford," a term which, in this instance, does not seem to

^a Si autem liberalis homo, id est *thegen*, ita profecisset, ut regi servisset, et vice sua equitaret in missiatico regis; is talis, si haberet alium sub se, qui ad expeditionem regis quinque hidas teneret, et in aula regis suo domino servisset, et ter nuntius domini sui regem adisset; is, inquam, talis dehinc potest pro domino suo præjurare juramentum, quod supra nominavimus *forath*, in diversis rebus, ubicunque opus est. (Textus Roffensis, p. 47.)¹ [If however a nobleman, that is a *Thane*, had so thriven as to serve directly under the king and in his turn to ride on the king's business; if such an one have another dependent on him, holding five hides of land in consideration of military service, who has served his lord in the king's court and on three occasions has come to the king as his lord's messenger; such an one, I say, is henceforth enabled to swear the preliminary oath, which we have above called *forath*, in the place of his lord, in various matters, wheresoever the need may arise. (Rochester Text, p. 47.)] I have given the old Latin version, which expresses the sense of the original with tolerable accuracy.

be applied to the King, but to some other lord or superior^a. Part II.
It may be observed, however, that a King's Thane could also be commended to another lord^b.

After the Conquest, we find the term "Thane" employed with considerable latitude. Barons were sometimes designated as Thanes. It was also used to denote all the Lieges, perhaps one of the original applications of the term, inasmuch as the Germans trace it in their "Unter-than," i.e. subject. It was also sometimes rendered by "*Allodiaris*," a term almost foreign to the English law, and which, in this country, never obtained any very precise or technical meaning; though generally employed as the designation of a person holding inheritable land^c. Some Thane-lands or Thanage lands appear at first to have been conventional tenures, in which the Tenant had not a certain estate unless he could bargain with his Lord. The term died away in the South, but in the Northern counties, Thanages continued till the fourteenth century, being then held by pecuniary rents, which could not be altered by the lord^d. The Thanes of Lancashire, who paid a fine to be quit of talliage, 13 Hen. III.^e, were probably tenants of this description.

The Huscarls were the "King's own," the body-guard of the Danish Sovereigns^f. They were retained after the Huscarls, the Body-guard of the Danish Sovereigns.

^a Hickes, Dissert. Epistol., p. 20.

^b Domesday, Norf., p. 130.

^c In the Saxon charter of Henry I. he grants to the convent of Christ Church, Canterbury, sake and soke, and various other rights of jurisdiction,—"*ofer swa fela þegenas swa ic heom to gelæten habbe*" (Lye, App. No. 6) [over so many thanes as I have granted them]. In another charter, of exactly the same form and tenor, in favour of the monastery of St. Augustine, he conveys the same right to them,—"*super omnes allodarios, quos eis habeo datos*" (Bib. Cott. Julius D ii, f. 107) [over all persons holding inheritable land, whom I have given to them]. But this latter charter is merely the confirmation of one, to the same effect, granted by the Confessor.

^d In the inquisition taken upon the death of *Henricus de Lacy*, A.D. 1311, Thanage tenants are noticed as holding by pecuniary rents. (Whitaker's Whalley, p. 247.)

^e Madox, Exch. I. 417.

^f *Vita Sancti Elphegi*, p. 145. See also Sax. Chron. p. 207 and above, p. 525.

Part II.

restoration of the Anglo-Saxon line, and then they seem to have formed a class of Thanes. The Confessor gives this title to *Thurstan*, who held land of him^a, and many others are noticed in Domesday^b. They had Vassals or "Com-

They were also called *Hirdmen*. Probably they were the "Commilitones" [Fellow-soldiers], amongst whom Canute divided the English lands. (Hist. Rams. p. 438.) Cum enim, ut dictum est superius, Rex *Cnuto*, genere Dacus, *Anglici* principatus esset monarchiam adeptus, quidam *Angli* nobiles, antecessorum suorum Regum proditores, ex ejus sententia proscripti et exterminati, Dacis commilitonibus Regis adjudicatas, sibi, suæque posteritati vel successioni hæreditates reliquerunt. [For when, as has been said above, King *Canute*, who was by birth a Dane, obtained the sole headship of *English* governance, certain *English* nobles, who were traitors to their Kings which preceded *Canute*, were by his decision proscribed and put to death and left their hereditary possessions, which were awarded to the Danes who had fought with the King, to them and to their heirs or successors.]

^a In a charter by which he confirms the donation of "Chalk-hill," made by Thurstan to the Abbot and Monks of Westminster,—swa Thurstan min *Huskarl* hit furmest of me heold, und into þære halgan stowe geaf (Hickes, Gram. Anglo-Sax., p. 159) [as Thurstan, my Huscarl, first held it of me, and gave into the holy place]. *Grundesburgh*—adhuc in eadem, in dominio, duo liberi homines, *Burricus* et *Ailricus* commendati *Aischilli* Huscarli T.R.E. v. ac. [*Grundisburgh*—still in the same township; in demesne, there are five acres, which were held in the time of King *Edward* by two free men, *Burric* and *Ailric*, who were commended to *Aschil* the Huscarl]. (Suff. 441.) *Aschil* appears as the King's Thane in Bedfordshire (p. 213), and this is probably the same individual.

^b One of these entries contains some curious details. *Legrum*—istud quoque manerium, tempore Regis *Edwardi*, dedit *Esgarus Haroldo*, et *Haroldus* iterum dedit cuidam sui Huscarlo, nomine *Scalpin*. Et iste *Scalpinus* dedit uxori suæ in dote, videntibus duobus hominibus, scilicet *Rogero Marescalco* et quodam *Anglico*, et hoc testatur *Hundredum*, quod audierunt recognoscere *Scalpin*. (Essexia, p. 59.) [In the time of King *Edward*, *Esgar* gave to *Harold* this manor also, to wit *Legrum*, and *Harold* again gave it to a certain Huscarl of his, by name *Scalpin*. And this *Scalpin* gave it to

mendati" under them; and the great Earls had Huscarls, **Part II.** like the King^a.

In Domesday, whenever the Tenants had the power of Power of alienation. alienation, it is usually expressed with care, and when they had not the power, the fact is signified, as will appear from the examples quoted below^b.

his wife as a dowry, in the presence of two men, to wit *Roger the Marshall*, and a certain *Englishman*, and the Hundred attested the fact that they had heard *Scalpin* admit the gift. (Essex, p. 59.)]

^a Domesday, I. pp. 164, 140, 213.

^b Hoc Manerium (*Bissopescope*) tenuit *Edwinus*, homo *Asgari Stalri*, et potuit inde facere quod voluit. Hanc apposuit *Radulfus Taillebois* in *Loitone*, Manerium Regis, per crementum quod ei dedit, et foris misit de Hundredo ubi se defendebat T.R.E. E contra sumpsit alias quinque hidas de alio Hundredo, et posuit in *Flictham* Hundredo. (Bedefordscire, p. 209 b.)

[This manor (*Biscott*) was in the holding of *Edwin*, the man of *Asgar the Staller*, and he was able to do therewith what he wished. *Ralph Taillebois* annexed it to *Luton*, the King's manor, as a make-weight given in addition, and sent it out of the Hundred where it was assessed in the time of King *Edward*. On the other hand he took five other hides from another Hundred and placed them in the Hundred of *Flictham*. (Bedfordshire.)]

Ipsa Episcopus (*Constantiensis*) tenet in *Dena* quatuor hidas et ibi sunt sex sochmanni et sex bordarii et duo servi—valet lx. solidos. Quando rec. similiter. T.R.E. xl. solidos. Hoc manerium tenuerunt sex sochmanni, homines *Borret* fuerunt. De soca Regis tres hidas et dimidium, potuerunt dare et vendere et ad alterum dominum recedere sine licencia *Borred*, dimidium vero hidæ sine ejus licencia dare vel vendere non potuerunt. (Bedefordscire, pp. 209 b, 210.)

[The Bishop of *Coutances* himself holds four hides in *Dene*, and there are six sokemen and six bordars and two slaves. It is worth 60s. When he received it, it was worth the same. In the time of King *Edward* it was worth 40s. This manor was held by six sokemen, who were the men of *Borret*. Three hides and a half were of the King's soke; they could give and sell and depart to another lord without the license of *Borred*: but they could not sell or give half a hide without his license. (Bedfordshire.)]

Hanc terram (*Hergentone*) tenuit *Azelinus* homo Comitiss

Part II.

TAXES, DANE-GELD, &c.

Taxes, how collected.

The Peter's Pence were collected or gathered in each Wapentake by two true Thaness and one Mass Priest^a. I suppose that this was the usual mode of collecting the taxes, because nearly the same course was pursued in the reign of Ric. I.; and long afterwards. The Anglo-Saxon precedent was copied in the Anglo-Norman age, and a continued and uninterrupted usage seems to be implied^b. The Danish Kings employed their Huscarls upon the agreeable service of levying the Dane-geld (see above, p. 525), and those functionaries acted with great rigour; but the tax was equally insupportable under Ethelred. Elfric is compelled to sell his land, to discharge his arrears^c. The terri-

Tosti; non potuit dare neque vendere sine licencia illius, qui *Camestone*, Manerium Comitiss, tenuit. (Bedfordshire, p. 217 b.)

[*Azelin*, the man of Earl *Tostig*, held this land (*Hergenton*); and he could not give or sell it without the permission of him who held *Kempston*, a Manor of the Earl. (Bedfordshire.)]

^a And we willaþ, þat man namige, on ælcon wæpengetace, twa triwe þegenas, and ænna massepreost and hi hit gegaderian, and eft agifan. [And we will, that, in every wapentake, two true thegns and one mass priest be chosen, and that they collect it, and afterwards pay it over.] (Laws of the Northumbrian Clergy, p. 101.)

^b Thus the carucage levied by Richard I., after being assessed by the Township Jurors, was to be collected by the two Knights in every Hundred. *Hæc pecunia recipiebatur per manus duorum legalium militum de quolibet Hundredo*. (Hoveden, p. 443.) [This money was collected by the hands of two legal Knights of any Hundred. (Roger of Hoveden, p. 443.)]

^c Hist. Eliens., p. 471. Post modicum tempus contigit, quod idem *Aluricus* gravi tributo opprimebatur. Qui cum pecuniam a se exactam non haberet, venit ad *Ædelwoldum* Episcopum, et ad *Brihtnothum* Abbatem, obtulitque eis duas hydas suas de *Dunham* ad commutandum pro tribus hydiss, quas ipsi habebant in *Cypenham*, eo pacto, ut tantum pecuniæ, quantum eis placeret, sibi ob incrementum ab eis daretur. Qui sic fecerunt, videlicet, terras commutaverunt, et ei quatuor libras insuper dederunt: facta est autem inter eos hæc conventio, sive commutatio, ac

torial possessions of the Church and Clergy, and the **Part II.** ornaments of the fabric, shared the same fate^a.

persoluta est *Alurico* hæc pecunia, juxta *Grantebrugge* in australi parte, coram toto populo illius provinciæ. *Aluricus* igitur eandem terram *Brihtnotho* Abbati liberavit in manu, primum coram xxiv. iudicibus in prædicto loco, deinde etiam fecit similiter coram testibus legalibus, *Edrico*, et *Alfelmo*, cognomento *Polcan*, et *Leofsio*, *Alfwii* filio, et *Osulfo*, et *Leovingo*, et *Alfnotho*, et *Uvi*, et *Oswio*, et *Grim*, et *Wlnotho*, et *Alurico*, et *Wensio*, et *Leofsio*, et *Alfnotho* *Godingi* filio.

[After some little time it came to pass that this same *Aluric* was oppressed by a grievous tribute. And when he had not the money wherewith to pay the exaction, he went to Bishop *Æthelweald* and to the Abbot *Brihtnoth* and offered them two of his hides in *Dunham* in exchange for three hides which they had at *Chippenham*, with this proviso that as much money as they thought proper should be given into the bargain by them. And this they did, that is to say, they exchanged the lands and gave him four pounds in addition; moreover this agreement or exchange was transacted and the money paid to *Aluric* near *Cambridge* in the southern district in the presence of the whole population of that county. *Aluric* therefore liberated this land to Abbot *Brihtnoth* under his hand, first in the presence of twenty four judges in the above-mentioned place, and again he did the same in the presence of the following legal witnesses:—*Eadric*, *Ælfhelm* surnamed *Polga*, *Leofsige*, son of *Ælfwig*, *Osulf*, *Leofing*, *Ælfnoth*, *Uvi*, *Oswig*, *Grim*, *Wulfnoth*, *Aluric*, *Wensige*, *Leofsige* and *Ælfnoth*, son of *Goding*.]

^a Plurimas terrarum possessiones, quæ nunc ab aliis injuste possidentur, et villas quamplures, ad hanc ecclesiam jampridem juste pertinere, tam seniorum et predecessorum nostrorum relatu, quam etiam litterarum et testatorum serie didicimus, quas postea et regalium vectigalium importabilis exactio et potentissimorum hominum impia direptio inique distraxit, et à monasterii possessione abstraxit. Sicuti factum est temporibus *Adelredi*, Regis *Anglorum*, vastante et depopulante hanc patriam pagano Rege *Danorum*, *Swein* nomine, cum maximum et fere importabile tributum tota *Anglia* reddere cogeretur. Ob hujus itaque tam gravis tributi exactionem, omnia fere ornamenta hujus ecclesiæ distracta sunt, tabulæ altaris, argento et auro paratæ, spoliatæ sunt, textus exornati, calices confracti, cruces conflatae, ad ultimum etiam terræ et villulæ pecuniis distractæ sunt.

Part II.

Canute established the law, that if the Tenant failed to pay the tax within the appointed time, he might be "sold

Simili modo etiam actum est regnante *Cnut*, filio suo, et adhuc graviora vectigalia superaddita sunt, temporibus regni filii *Cnut*, cujus nomen erat *Hardecnut*, qui etiam totam istam provinciam, hostili exercitu, ferro et igne depopulavit. (Heming, p. 248.)

[We have learnt both from the statements of our elders and predecessors and also from a series of letters and attestations that many possessions of lands, which are now unlawfully possessed by others and several vills, have for a long time been by rights the property of this church; but at a later date both the unbearable exaction of the King's taxes and the ungodly plundering of powerful men have wickedly torn them away and filched them from the possession of the monastery. Such came to pass in the time of *Æthelred*, King of the *English*, when the pagan King of the *Danes*, by name *Sweyn*, ravaged and laid waste this country, and the whole of *England* was compelled to pay a heavy and almost insupportable tax. Wherefore on account of the exaction of so heavy a tribute, almost all the ornaments of this church were carried off, the frontals of the altar, ornamented with silver and gold, were despoiled, the texts robbed of their adornment, the chalices broken up, the crosses melted down and even the lands and hamlets robbed of their last penny. The same thing took place in the reign of *Canute*, his son, and still more grievous taxes were added in the days of the reign of that son of *Canute*, whose name was *Hardecnut*, who also laid waste with fire and sword this country with a hostile army. (Heming's Chartulary, p. 248.)]

The church of Malmesbury was exposed to the same deprivations. *Brihtwoldus*, ut ex scriptis *Anglicis* animadvertimus, multa incommoda Cœnobio intulit, terras vel omnino distrahendo, vel parvo pretio invadando. Sed enim excusatur, quod magno illo geldo, qui tunc *Danis* dabatur, oppressus, unicum inveniebat malorum remedium: quod futurorum incautus, non videbat obesse posse in posterum. (Malm. in Vita Aldhelmi, p. 35.)

[*Brihtwold*, as we have learnt from *English* records, brought many disasters on the Convent, either by completely alienating its lands or by pledging them at a low rate. But some excuse is to be found for him because he was oppressed by the great tax which was at that time imposed by the *Danes*, and he could find only one remedy for these misfortunes; and he, careless of the future, did not see that it might be hurtful in

out" of his land; and any one paying the arrears became Part II. entitled to the property^a. This regulation continued in force under the Conqueror^b; but, in subsequent periods,

time to come. (William of Malmesbury, *Life of St. Aldhelm*, p. 35.)]

^a Tempore quo *Cnut Rex Danorum*, hac patria devicta, vectigal importabile toti *Anglorum* regno imposuerat, ablatae sunt hae villulae in *Uuareuicscire* à monasterii possessione, vi et fraude malignorum *Danorum*, quorum potentia, eo tempore, terror erat indigenis hujus patriæ: *Ludington*, et *Dræitun*, et iii. hide ad *Lockeslea*, et *Lappawurthin*, et dimidia *Mylecote*. Constituerunt enim, ut siquid vectigalis ad tertiam constituti diei deesset, quisquis prius pecuniam pro ea solveret, ejus possessioni subjaceret. Hac calliditate inventa, quisquis aliquam terram de monasterio concupierat, pecunia data vicecomiti, vectigale refugato etiam satis tempestivo, quod male concupierat, pro libitu injuste rapiebat. Sed Deus hanc sui rapinam absque ultione non dimisit. Nam unusquisque eorum, qui huic fraudi operam dederunt, digna ultione percussi, aut luminibus privati, aut paralisi dissoluti, aut in insaniam versi sunt; plurimi etiam semet ipsos interfecerunt. (Heming, p. 277.)

[At the time when *Canute*, King of the *Danes*, after conquering this country, had imposed on the whole kingdom of the *English* an insupportable tax, these villages in *Warwickshire* were taken away from the possession of the monastery through the violence and deceit of the evilly-disposed *Danes*, whose power at that time inspired the inhabitants of this country with terror:—*Luddington*, *Drayton*, three hides at *Loxley*, *Lapworth* and half *Milcote*. For they made an ordinance that if any of the tax was not paid by tierce of the appointed day, whosoever should be first to pay the money for it, should have possession of it. After this cunning device had been invented, whoever had desired to possess any of the lands of the monastery, by paying money to the sheriff, wrongfully seized at his pleasure what he had wickedly coveted, the tender of the tax being rejected even when offered in good time. But God did not allow this plundering to pass unavenged. For all of them who had participated in this fraud were smitten with just vengeance and were either deprived of their sight or died of paralysis or became insane; many of them also committed suicide. Heming's *Chartulary*, p. 277.)]

^b *Osbernus piscator tenet in Sernebroc de rege dimidium hidæ.*

Part II.

we do not find that the land itself could be seized under such circumstances: so that the Anglo-Norman Exchequer was somewhat less rapacious than the Treasury of the earlier Sovereigns.

THE WITENA-GEMOT.

(See above, in particular,
pp. 319—324.)

EVERY Anglo-Saxon charter is a record of the sittings of the great national Council: and the specimens which I have given of these documents will be sufficient to illustrate their general tenor. We find express proof that many such assemblies were summoned by the Sovereign: yet it is possible that they could meet without summons, and by usage. The extracts below, will, in some measure, afford further examples of the composition and proceedings of the

Terra est i. car. et ibi est unum molendinum. xvi. den. pratum, dim. car. Silva x. porc. et unum vivarium pisc. Ibi unus villanus et ii. bordarii, valent xxvi. sol'. Quando recep. x. sol. T. R. E. xl. sol. Hanc terram tenuit *Toui*, Huscarle Regis *Edwardi*, et vendere potuit.

Cum ista terra, reclamationem idem *Osbertus* unam virgatam et quartam partem unius virgatæ, quam tenuit antecessor ejus, T. R. E. Sed postquam Rex *Willielmus* in *Angliam* venit, ille gablum de hac terra dare noluit, et *Radulfus Tailgebosc* gablum dedit, et pro forisfacto, ipsam terram sumpsit, et cuidam suo militi tribuit. (Bedford, p. 216 b.)

[*Osbern*, the fisherman, holds in *Sharnbrook* half a hide from the king. The land is one ploughland and there is thereon a mill of sixteen pence, meadow for half a team. The wood yields ten pigs and there is one fish-pond. There is one villein and two cottagers, worth twenty-six shillings. When he received it, it was worth ten shillings; in the time of King *Edward* it was worth forty shillings. *Tofiq*, Huscarl of King *Edward*, held this land and he could sell it.

With this land this same *Osbert* claims one virgate and the fourth part of one virgate, which his predecessor held in the time of King *Edward*. But when King *William* came to *England*, he refused to pay the rent for this land and *Ralph Taillebois* paid the rent and in forfeit he took the land and assigned it to one of his knights. (Bedford, p. 216 b.)]

Councils: as well of those of a mixed nature, as of those **Part II.** which acted merely as temporal legislatures^a.

^a The signification of *Wita* may appear to fluctuate between that of *Wise-man* and *Witness*. In point of fact, the *Witness* is so called, because of his *knowledge* of the facts concerning which he testifies: but it is evident, that it was chiefly in the sense of *superior* that the Anglo-Saxons applied "*Wita*" to the member of the supreme assembly. The meeting was also called the "*Mycel getheah*t,"—the great thought.

Anno Dominicæ Incarnationis dcccxvi., Indictione viiii., hæc synodus congregata fuerat, die vi. cal. Augusti, in loco famoso, qui dicitur *Celichyth*, præsidente vero *Wulfredo* Archiepiscopo, cæterisque assidentibus australibus *Anglorum* Episcopis; id est, *Beornmodo*, *Hrouensis* Ecclesiæ, *Aethewulfo*, *Selesegæ* Episcopo, necnon *Wigthehn* et *Wigberhto*, *Occidentalium Saxonum* Episcopis, *Daenberhto*, *Hwiciorum* Episcopo, *Wulfheard* quoque *Herefordensi* Antistite, simul etiam reverendissimis *Merciorum* Episcopis *Hereuino* et *Raethuno*; insuper *Eadwulfo*, *Lindisfarorum* Episcopo, honorabilibusque *Orientalium Anglorum* Episcopis *Sibbano* et *Tidfritho*, seu *Æthelnotho*, *Lundoniæ* civitatis Episcopo. Porro *Coenuulfi*, Regis *Merciorum*, anno xx^o. qui tunc temporis præsens adfuit, cum suis Principibus, Ducibus et Optimatibus. Tum undique sacri ordinis Præsides cum Abbatibus, Presbyteris, Diaconibus, et Optimatibus, pariter tractantes de necessariis et utilitatibus ecclesiarum.....(Concilia, I. p. 169.)¹

[In the year of Our Lord's Incarnation 816, the ninth Indiction, this synod was assembled on the 27th day of July, in the well-known place which is called *Celcyth* (Chelsea), under the presidency of *Wulfred* the Archbishop and with the other southern Bishops of the *English* present, to wit, *Beornmod*, of the church of *Rochester*, *Ethelwulf*, Bishop of *Selsey*, and also *Wigthehn* and *Wigbert*, Bishops of the *West Saxons*, *Denebert*, Bishop of the *Hwiccas*, and *Wulfheard*, Bishop of *Hereford*, together with the right reverend Bishops of the *Mercians*, *Herewin* and *Rethun*; in addition to these *Eadulf*, Bishop of *Lindsey* and the honourable Bishops of the *East Angles*, *Sibba* and *Tidferth*, and *Ethelnoth*, Bishop of the city of *London*. Furthermore [this synod was convened] in the twentieth year of *Kenulf*, King of the *Mercians*, who was then present with his Principes, Duces and Optimates. Then from every quarter [came] the Rulers of the clergy together with Abbots, Priests,

Part II.

Forty hides of land
required to place a
man of noble birth
amongst the Pro-
ceres.

That the qualification of forty hides of land was required for the purpose of placing an East Anglian Noble amongst the Proceres is distinctly proved. The Books of Ely and of Ramsey are the compilations of very judicious and accurate

Deacons and Notables, deliberating on matters necessary and profitable to the churches. (Wilkins, Councils, I. 169.)]

Anno Dominicæ Incarnationis dcccxii., Indictione iii., de diversis *Saxonie* partibus congregatum est synodale concilium in loco præclaro qui nominatur *Clovesho*; præsidente huic venerabili concilio *Beornulfo*, Rege *Merciorum*, et *Wulfredo* Archiepiscopo, cæterisque Episcopis et Abbatibus, omniumque dignitatum Optimatibus, ecclesiasticarum scilicet et secularium personarum, utilitatem et necessitatem ecclesiarum, monasterialisque vitæ regulam et observantiam, stabilitatem quoque regni pertractantes....

Super hæc omnia quadam vice idem Rex *Coenulfus* cum suis consiliariis veniens ad villam regalem *Lundoniam*, constituit diem, cum magna indignatione, quo idem Archiepiscopus veniret ad eum. Quo cum venisset, præcepit Rex, ut relictis omnibus rebus suis, citissime de *Anglia* decederet; nec aliquam spem haberet redeundi amplius, nec per præceptum domini papæ, nec pro precibus imperatoris, nec alicujus alterius personæ, nisi consentiret voluntati ejus, dimittendo ei villam trecentorum manentium nomine *Leogeneshamme*, insuper daret sibi, videlicet Regi, centum viginti libras denariorum. (Concilia, I. p. 172.)¹

[In the year of Our Lord's Incarnation 822 (825), the third Indiction, a synodal council was convened from all parts of *England* at the well-known place which is called *Clovesho*; over this venerable council *Beornwulf*, King of the *Mercians*, and Archbishop *Wulfred* presided, discussing with the other Bishops and Abbots and the notables of all ranks, to wit persons of ecclesiastical and secular dignities, the interests and needs of the churches, the rules and observances of monastic life and also the security of the kingdom....

Following on this, the aforesaid King *Kenulf*, coming on a certain occasion with his counsellors to the royal town of *London*, with great indignation appointed a day on which this same Archbishop should come to him. And when he had come thither, the King enjoined that he should depart as quickly as he could from *England* and leave behind him all his possessions, nor was he to entertain any further hopes of return, either by command of the Lord Pope or through the prayers of the

writers: they are almost wholly founded upon charters. **Part II.**
The facts gathered from these documents are interwoven

Emperor or of any other person, unless he submitted to his will and relinquished to him a vill with three hundred serfs by name *Leogenesham*, and gave to him, to wit the King, one hundred and twenty pounds of pence. (Wilkins, Councils, I. p. 172.)]

There is another record of the same transaction, showing that the words "consiliarii" and "sapientes" were indifferently employed. (Concilia, I. p. 173.)

In one case, we find what may be termed an adjournment,—Then took counsel the King and his Witan that they should again have a Gemot of all the Witan at London at *harvest-even-night* (the autumnal equinox), and then the King commanded that the Host should be called out (and het se cyng bannan ut Here), both South of Thames and North. (Sax. Chron. p. 230.)

For an instance of a Gemoot summoned by the King, see Sax. Chron. p. 1010. In the following example the authority by which the assembly is convened, does not appear; it can however hardly be doubted but that it was by the King's command. (Hist. Eliens. p. 469.)

Nam edicatur *generale placitum* apud *Lundoniam*, quo, dum *Duces, Principes, Satrapæ, Rhetores et Causidici* ex omni parte confluerant, beatus *Æthelwoldus* præfatum *Leofsiu*m in jus protraxit, et coram cunctis suam causam et injuriam ac rapinam, quam ipse *Leofsius* intulerat sanctæ ecclesiæ, ex ordine patefecit. Qua re bene et rite ac aperte ab omnibus discussa, omnes Deo et beato *Ædelwaldo* per judicium reddiderunt *Burch*, et *Undelas*, et *Kateringes*. Judicaverunt etiam ut *Leofsius* Episcopo totum damnum suum suppleret, et *mundam* suam redderet; de rapina vero, Regi forisfacturam emendaret dato prætio *genealogiæ* suæ. Post hæc infra octavum diem convenerunt iterum ad *Northamtune*, et congregata ibi tota provincia, sive vicecomitatu, coram cunctis iterum causam supradictam patefecerunt; qua patefacta ac declarata, ut præjudicatum erat apud *Lundoniam*, judicaverunt et isti apud *Northamtune*.

[For a *general assembly* was summoned at *London*, by which, when the *Dukes, Princes, Satraps, Orators* and *Lawyers* had assembled from all parts, the blessed *Æthelwold* caused the aforesaid *Leofsige* to be brought to court, and in the presence of all made known in order his case and the wrong and rapine which the said *Leofsige* had brought upon holy Church. And

Part II.

into a narrative, for which the authorities are adduced, and in the whole compass of our history, no better evidence can possibly be found^a.

when this matter had been well and duly and openly discussed by all, they by an unanimous verdict restored *Peterborough, Oundle* and *Kettering* to God and the blessed *Æthelwold*. They also adjudicated that *Leofsig* should make good the whole loss to the Bishop and pay *the fine due for his breach*, and also for the rapine should pay forfeit to the King by payment of the weregild of his *rank*. Thereafter within eight days they assembled again at *Northampton*, and there in the presence of the assemblage of the whole province or shire, they again openly made known the above-mentioned cause; and after this trial and declaration, those at *Northampton* returned the same verdict that had been returned at *London*. (History of Ely, p. 469.)]

^a Habuit enim Abbas Fratrem *Gudmundum* vocabulo, cui filiam præpotentis viri in matrimonium conjungi paraverat. Sed quoniam ille quadraginta hidarum terræ dominium minime obtineret, licet nobilis esset, inter proceres tunc numerari non potuit, eum puella repudiavit; unde pudore nimium suffusus, ad Abbatem rediit, conquerens infortunium sibi illatum: et ut ei aliqua ecclesiæ rura, pro fraternitate, committeret intentius exorat, ne nunc honoris nomine præsertim optata matrimonii copula frustraretur. Abbas vero nimium carnaliter amans fratrem, absque titulo et scriptionis testimonio, hæc subjuncta maneria illi, sed tantum in *præstito* dimisit, partem viz. de *Merham* cum curia villæ, *Livermere*, *Nachantune*, *Acholt*, *Bedenestede*, *Gerboldesham*, et hoc non manifeste, ne monachis innotesceret; non prævidens aut præcavens, quantum criminis et discriminis sit ad momentum etiam, res sacras et bona, Domino oblata, laicorum manibus exponere, ut perfecta matrimonii celebratione absque controversia recipere deberet. (Hist. Eliens. p. 513.)

[For the Abbot had a brother by name *Gudmund*, for whom he had arranged a marriage with the daughter of a man of great power. But since he, not possessing the lordship of forty hides of land, could not then be ranked among the peers (*Witan*), although he was of noble birth, the maiden rejected him. Whereupon, covered with excessive shame, he returned to the Abbot, complaining that misfortune had fallen on him, and he begged and prayed him to entrust to him certain lands of the Church in consideration of their brotherly connection, so that

It is not indeed stated in express terms, that Gudmund **Part II.** would gain a seat in the Witenagemot, but the *Fief* or *Læn* placed him in a rank which birth alone did not impart. And the title of "Proceres" is so constantly applied, both in charters and histories, to the Peers of the King's supreme Court, that we can scarcely doubt, but that the seat was the privilege, without which his proud Leman refused to accept him as her wedded Lord.

the marriage tie which he so much wished for should not be prevented by a consideration of rank. The Abbot, who had too carnal an affection for his brother, granted him, without title or testimony of writing, these manors hereafter mentioned, but only in *Læn*, to wit part of *Marham* with the court of the vill, *Livermere*, *Necton*, *Occold*, *Bedenestede*, *Garboldisham*, and this he did secretly so that it should not come to the knowledge of the monks. He did not foresee or take heed to the great wrong and danger that was entailed in entrusting, even for a short space of time, to the hands of laymen sacred property and goods which had been dedicated to God, merely on condition of recovering them without controversy upon the completion of the marriage ceremony. (Hist. of Ely, p. 513.)

If any Freeman broke the fast imposed as a national humiliation during the Danish invasions (sometime in the reign of Ethelred), he was to make amends, or pay a fine, according to the judgment of the Shire Bishop and the Witan of the Shire,—bete that, swa the Scir-Biscop, and ealle *Scir-Witan* rihtlicost deman,—gebete that, swa *Scire-Witan* sylfe geceosan (Hickes, Diss. Epist., p. 107) [make reparation for that, as the Bishop of the Shire and the whole Witan of the Shire most fittingly judge—make reparation for that, as the Witan of the Shire decide].

The Witan of Kent decreed that Eadgiva should give proof by compurgatory oath concerning the payment made by her father for the redemption of his land (Lye, App. 4). These are the ordinary shire-men, though in this case the shire was an ancient kingdom.

Part II.

HOMAGE,—ANTRUSTIONS,—NATURE OF
BENEFICES, &c.

Antrustionship, equivalent to commendation (see below, p. 745).

Writ declaring that the Antrustion has duly performed homage.

THE following writ or Precept preserves the form, by which the *Antrustion*¹ became the Homager of his Sovereign.

“Rectum est, ut qui nobis *fidem* pollicentur inlæsam, nostro tueantur *auxilio*. Et quia *ille fidelis* Deo propitio noster, veniens ibi in palatio nostro una cum arma^a sua, in manu nostra *trustem* et fidelitatem nobis visus est *conjurasse*: propterea per præsens præceptum decernimus ac jubemus, ut deinceps memoratus *ille* in numero *Antrustionum* computetur. Et si quis fortasse eum interficere præsumperit, noverit se *wirgildo* suo sol. dc. esse culpabilem.” (De Antrustione Regis, Marculfi Form. I. 18.)

[It is right that those who promise to us entire *fidelity*, should be protected by our *aid*. And because, by God's good will, N. our *faithful man*, coming to our palace with his arms, has openly in our hand sworn “*trust*” and fealty to us, therefore by this present writ we do decree and order that the *above-mentioned* N. be henceforward reckoned among the number of the *Antrustions*. If any one perchance should presume to slay him, let him know that he is subject to a *fine* of six hundred shillings as his *wergild*. (Of the King's Antrustion; Formulæ of Marculf, I. 18.)]

By comparing this document with the faithful accounts of Tassilo's submission (III. 2 to 13), and also with the English form of homage (IV. 8, 9), no reasonable doubt can be entertained, but that feudal vassalage resulted from the union of the Teutonic bond with the tenure of beneficiary land.

The Precept, testifying that the *Fidelis* was to be numbered amongst the Antrustions, contains all the essentials of the relationship: the declaration of aid to be given by the *Senior*, the submission of the *Junior*, and the oath, as well as the ceremony, by which the *Man* testified his obedience and subjection.

^a Some manuscripts read, *cum arimania sua*. The *arimanni* are supposed to have been the followers of the chieftains, but very different opinions prevail respecting their rank (see Savigny and Eichhorn). On the whole, the reading which I have adopted from Walther seems preferable.

The earliest definite example of a grant accompanied by **Part II.** fealty, rests upon the authority of the charter of Charles le Chauve, reciting the donations made by Dagobert to the ancestors of Eudo, Duke of Aquitaine, and of which the substance is given below. The authenticity of this charter has certainly been impugned, yet I think it has been successfully vindicated by most competent authorities^a. Whether

^a By Gaillard and by Dom Vaissète; the latter in an elaborate Essay, Vol. I., Preuves, p. 688. In his history, he thus narrates the effect of the donation:

C'est alors que nous croions que ce Prince, touché de compassion pour ses deux neveux, Boggis et Bertrand, et sollicité sans doute par Amand Duc des Gascons, aieul de ces deux Princes, leur donna par forme d'*appanage*, et à titre de *duché héréditaire*, le royaume de Toulouse ou la partie de l'Aquitaine qui avoit composé les états du Roi Charibert leur père. Nous avons déjà parlé ailleurs de l'étendue de ce royaume auquel la ville de Toulouse, qui en étoit la capitale, avoit donné son nom. Elle le fut aussi du duché d'Aquitaine possédé par Boggis et Bertrand et par leurs descendans. Dagobert donna en même tems à ces Princes l'avouerie sur tous les monastères de ce duché à condition qu'ils tiendroient l'un et l'autre à foi et hommage de la couronne, et qu'ils paieroient au trésor roial un tribut annuel qu'il leur imposa. Ces deux Princes s'y soumirent, ou plutôt le Duc Amand, leur aieul, à leur nom, dans l'impuissance où ils étoient de faire valoir leur prétensions, et à obtenir des conditions plus favorables. Depuis ce tems-là, Boggis et Bertrand, et les Ducs d'Aquitaine issus de leur branche, demeurèrent sous la dépendance de Dagobert et des Rois de Neustrie ses successeurs. C'est là, le *premier exemple de l'hérédité des fiefs* dans la monarchie Française, ou plutôt d'un appanage donné aux Princes de la maison roiale: appanage qui fut possédé héréditairement jusqu'à la fin de la première race, par le fameux Eudes, et par les autres Ducs d'Aquitaine ses successeurs, qui descendoient tous de Charibert Roi de Toulouse et frère de Dagobert. (Hist. de Languedoc Vol. I., p. 338. See also Gibbon, Vol. IX., ch. 49.)

[Then it was that we believe this Prince, touched with compassion for his two nephews, Boggis and Bertrand, and doubtless at the request of Amand, Duke of the Gascons, grandfather of these two princes, gave them in form of *appanage* and by title of *hereditary duchy* the Kingdom of Toulouse or the part of Aquitaine which had been the dominions of

Part II.

the language may not have been slightly altered by the scribe, is another question; but it must be considered in connexion with the other fragments of Gascon and Aquitanian history (see below, p. 773). These are less explicit than the details concerning Tassilo, but they establish the same principle—they exhibit Vassals bound by fealty, obligations often broken, and renewed again by compact—(III. 15 and 16).

Antrustions, described as *fideles in truste Regis*, the King's true or trusty men, his *Leudes* or *Lieges*.

That those who were in the "*King's trust*" were also designated as the *Fideles* and *Leudes*, is I believe generally admitted^a; but the French Lexicographers^b have erred in ascribing to the word *trust*, the signification which *trost* or *troost* now bears in the German and Belgic dialects, i.e. *comfort* or *consolation*. It is plainly used in the sense yet preserved in our common and daily speech, and it is derived more readily from the Anglo-Saxon *Trywsian*, than from *Trouwen* (Germ.), which is also found in the Anglo-Saxon form of *Treowian*.

Vassal—Celtic origin of the term.

As "*Senior*," afterwards *Signore* and *Seigneur*, was

King Charibert, their father. We have already spoken elsewhere of the extent of this Kingdom, to which the town of Toulouse, which was its capital, had given its name. It was also the capital of the duchy of Aquitaine possessed by Boggis and Bertrand and by their descendants. At the same time Dagobert gave to these princes the guardianship of all the monasteries of this duchy on condition that they should persist, both of them, in fealty to and homage of the Crown and that they should pay to the royal treasury an annual tribute which he imposed on them. These two Princes submitted to this or rather the Duke Amand, their grandfather, did so in their name, having regard to their inability to make good their claims and to obtain more favourable conditions. From that time, Boggis and Bertrand and the Dukes of Aquitaine, who issued from their branch, remained subject to Dagobert and the Kings of Neustria his successors. This was the *first example of the heredity of fiefs* in the French monarchy, or rather of an appanage given to Princes of the royal house; an appanage which was hereditarily possessed, until the end of the first race, by the famous Eudes and by the other Dukes of Aquitaine his successors, who were all descendants of Charibert, the King of Toulouse and the brother of Dagobert.]

^a See Mably and Guizot. ^b See Du Cange.

employed merely as a designation of rank, so "*Junior*" **Part II.** was also applied, without any relation to age; it only pointed out the situation of the party: the inferior was the younger in relation to his lord^a, and although, according to the original application of the word, the *Gwás* (Latinized into *Vassus*^b), ought to have been a Youth, yet it would speedily be used to designate every Antrustion who appeared as a dependent upon a superior. The employment of this Celtic term, which cannot be fairly deduced from any Teutonic root, assists in corroborating the opinion, that some of the main features of the feudal system, as it existed in Gaul, are to be deduced from the original policy of the Celtic nations before their annexation to the Roman empire.

According to the more recent law of England and France^c, Homage and fealty,—distinguished from each other according to the more recent law, but not in the earlier periods,—as appears from the precept of Antrustionship. homage and fealty were accurately distinguished. Homage might be due without the necessity of taking the oath of fealty^d; and in the Visigothic code we find a seeming distinction between the oaths of fealty and allegiance^e. Yet it is most probable that these differences did not exist at an early period. When the *Antrustion* entered into his obligation, homage and fealty were conjoined. The ancient English vassal seems always to have been compelled to take the oath of fealty (No. IV. 8). Nor do I observe any very substantial variation in the several forms of oaths which have been preserved (No. IV. 1 to 9), they are all of equal tenor.

The form of surrendering a benefice appears twice in the Benefices, how surrendered. history of Tassilo. In the first instance, it is made by the

^a *Alius vero census ab eis, neque a Comite, neque a junioribus et ministerialibus ejus exigatur.* (Præceptum Lud. Pii pro Hispanis, A.D. 815, Baluze, I. 549.) [Let no other payment be required of them, whether by the Count or by his dependents and servants.] (Ordinance of Louis the Pious for the Spanish.) Many other examples may be found. (Du Cange.)

^b *Gwás*, a lad or young man, a page, a servant (Owen Pugh). From *Gwâsaeth*, attendance, service, was formed "*Vassaticum*."

^c See Littleton, II., 1, and Brussel, pp. 19—28.

^d But Bracton seems to consider fealty as the necessary accompaniment of homage. (See IV. 8.)

^e See Allen's Enquiry, § Allegiance (pp. 54—92) in which this subject is treated with great clearness and consummate knowledge.

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delivery of the staff: in the second, by *Guerpition*. When this last mentioned ceremony, analogous to the "Skjodning" of the Danes (see above, p. 325), was performed, the symbol was cast into the lap of the person to whom the grant or surrender was made. This, in the law Latin of the Franks, was termed "*læsowerpire*"—from *latz* or *loos*, lap, and *wyrpan* or *wyrfan*, to cast.—In the "Præceptum de Læsiwerpo" (No. I.) which for the reasons before stated (Chap. XVII.) I consider to be a mere formal conveyance, we have another example of the same ceremony.

Examples of Benefices granted on express consideration of fealty and service.

The examples (No. II.) in which hereditary benefices are granted expressly in consideration of fidelity or vassalage, may be compared with an Anglo-Saxon land-boc (see above, p. 302.—No. IV.) of the same description^a.

Question as to the existence of an hereditary right in territorial dignities. Capitulary of Kiersi, 877, considered by some writers as establishing such right.

Upon the question of an hereditary right of possession in territorial dignities, the Capitulary of Kiersi¹ (A.D. 877) has usually been considered as establishing the same.

Capitulary of Kiersi, 877.

"Si Comes obierit, cujus filius nobiscum sit, filius noster cum cæteris fidelibus nostris, ordinet de his, qui illi plus familiares et propinquiores fuerint, qui cum ministerialibus ipsius Comitatus et Episcopo ipsius comitatum prævideant usque dum nobis renuntietur. Si autem filium parvulum habuerit, isdem cum ministerialibus ipsius comitatus et Episcopo in cujus parochia consistit, eundem comitatum

^a The plain import of the following law seems to have been, that the performance of homage must necessarily precede the grant of a benefice. Noverint tamen iidem *Hispani*, sibi licentiam a nobis esse concessam, ut se in *vassaticum* Comitibus nostris more solito commendent. Et si beneficium aliquod quisquam eorum *ab eo cui se commendavit fuerit consecutus*, sciat se de illo, tale obsequium Seniori suo exhibere debere, quale nostrates homines de simili beneficio Senioribus suis exhibere solent.—(Præceptum pro Hispanis, A.D. 815,—Baluze, I. p. 552.)

[Nevertheless let these same *Spaniards* know that we have granted them permission, in accordance with the usual practice, to commend themselves in *vassalage* to our Counts. And if any of them *obtains* any benefice *from him to whom he commended himself*, let him know that he for that benefice is bound to show to his lord such vassalage as our men usually show to their lords for a similar benefice. (Ordinance for the Spaniards, A.D. 815.)]

prævideat donec obitus præfati comitis ad notitiam nostram **Part II.** perveniat, et ipse filius ejus per nostram concessionem de illis honoribus honoretur. Si vero filium non habuerit, filius noster cum cæteris fidelibus nostris ordinet, qui cum ministerialibus ipsius comitatus et Episcopo ipsum comitatum prævideat, donec jussio nostra inde fiat. Et pro hoc nullus irascatur, si eundem comitatum alteri cui nobis placuerit dederimus quam illi qui eum hactenus prævidit. Similiter et de vassallis nostris faciendum est. Et volumus atque expresse jubemus, ut tam Episcopi quam Abbates, et Comites, seu etiam cæteri Fideles nostri, hominibus suis similiter conservare studeant; et tam de Episcopatibus quam et de Abbatibus vicinus Episcopus et Comes prævideant, ne aliquis res ecclesiasticas vel facultates diripiat, et nullus ad eorum eleemosynam faciendam impediatur."

[If a Count dies and his son be with us, our son together with the rest of our faithful men shall appoint from those who were in closer relationship and of nearer kin to him, men to act along with the ministers of the County itself and the Bishop as overseers to his County until such time as the matter be brought to our notice. But if he has a son under age, the same shall act as overseer to the said County with the help of the ministers of the County itself, and the Bishop in whose see it lies, until such time as the death of the afore-said Count be brought to our notice and his son himself be honourably confirmed in those honours by our concession. If however he has no son, our son together with the rest of our faithful men shall appoint a man who, in conjunction with the ministers of the County itself and the Bishop, may act as overseer to that County, until our commands thereupon be made known. And let no man feel angry, if we give this same County to another man (whomsoever we please) than him, who up to that time has acted as its overseer. The same course is to be followed in the case of our vassals also. And it is our will and we do hereby expressly enjoin that both Bishops, Abbots and Counts, and also all our faithful subjects, endeavour in like manner to safeguard the rights of their own dependents; and both in the case of Bishoprics and also of Abbacies, the nearest Bishop and Earl shall see to it that no man do violence to the property or powers of the Church and that no man impede the free grant of the same.]

It is obvious, however, that the law relates to the custody ... to be considered as

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relating to the custody of Counties, &c. in the interval between the death of the Vassal and the investiture of his successor.

Homage performed upon change of Lord as well as of Vassal. Documents proving this principle.

Vassal, who has received a benefice from Charlemagne, unable to repair to Louis le Débonnaire to perform homage, prays that he may receive investiture in the meanwhile.

of the County or Fief during the interval between the death of the father and the investiture of the heir.

The principles of succession appear from the following document, preserved amongst the Epistles of Eginhard:—

Magnifico et honorabili atque inlustri viro N. glorioso Comiti, *Eghinardus* sempiternam in Domino salutem. N. Vassus Dominicus, frater uxoris N. Comitis, morbo pedum et senectute gravis, volebat venire ad dominum Imperatorem: sed non potuit propter infirmitatem suam. Cum primum potuerit, veniet ad servitium ejus. Interim postulat, ut sibi liceat *beneficium* suum habere, quod ei dominus *Karolus* Imperator dedit in *Burgundia* in pago *Genawense*^a, usque dum ille ad præsentiam ejus venerit, ac se in manus ejus commendaverit. Mihi quoque rectum et utile videtur ut ita fiat, sicut ipse desiderat, quia vir bonus ac prudens est, et bonæ famæ inter vicinos suos: et vos bene facietis, si eum in hac re adjuvare dignemini. Opto ut semper bene valeatis in Domino. (Bouquet, VI. p. 375.)¹

[To the magnificent, honourable and illustrious man N., the glorious Count, *Einhard* sends eternal greeting in the Lord. N. the vassal of the Emperor, brother of the wife of the Count N., being weighed down with a disease of the feet and with old age, wished to repair to the Lord Emperor, but was not able to do so on account of his infirmity. On the first day that he is able to do so, he will come to do his service. Meanwhile he asks that it may be granted him to have his *benefice*, which the Lord Emperor *Charles* gave to him in *Burgundy* in the canton of *Geneva*, until such time as he shall come to his presence and shall have *commended himself to him*. To me also it seems right and useful that this should be done as he desires, because he is a good and prudent man and of good report among his neighbours; and you will do well if you deign to help him in this matter. I wish that you may always be well and strong in the Lord.]

In this case the Vassal had received his Benefice from Charlemagne, and was about to renew his homage or commendation to Louis le Débonnaire. The land had been seized in the King's hands until homage should be performed: and the Vassus being unable to repair to the royal presence, in consequence of his infirmities, he prays, as a favour, that

^a The *Gau* of *Genf* or *Geneva*.

his homage may be respited, and that in the meanwhile he may be allowed to enter into possession of the land. In this transaction there is nothing whatever incompatible with the theory which I have advanced,—of an inchoate right of succession, which became perfect, when the Vassal had complied with the conditions imposed by the original grant. Part II.

The principle of beneficiary tenure will appear from another example. The Spaniard "Johannes," having defeated the Saracens in a great battle near Barcelona, offers a share of the spoil,—an excellent horse, a hauberk, and an Indian sword, with its sheath of silver, to Louis, the son of Charlemagne, and prays that he may obtain a part of a certain "*villare heremum*" in the "Pagus" of Narbonne called "*Fontes*." The Spanish refugees were permitted to settle upon these lands, as appears from the "*Præceptum de Hispanis*," and we can have no difficulty in affirming that they are such as the "*campi vacantes*" of the Theodosian code (Lib. vii. 20, 11), which the veterans were allowed to occupy (Part I., p. 295) free of all tax or tribute, but upon condition of military service. Johannes *having commended* himself to Charlemagne, he obtains a grant, to hold to him and his posterity, *so long as they shall be faithful to Charlemagne and his sons*.

....cognoscat almitas vestra, qualiter *Johanne* ad nos veniente, ostendit nobis epistolam quam dilectus filius noster *Ludovicus* ei fecerat et per ipsum ad nos direxit. Et invenimus in ipsa epistola insertum quòd *Johannes* ipse super hæreticos sive *Sarracenos* infideles nostros, magnum certamen certavit in pago *Barchinonense* ubi superavit eos, in locum ubi dicitur *ad Ponte*, et occidit jam dictos infideles et cepit de ipsis spolia; aliquid exinde dilecto filio nostro obtulit, equum optimum et brunia optima et spatam Indiam cum techa de argento parata; et petierat in pago *Narbonense* villare heremum ad laborandum, quem dicunt *Fontes*. Ille verò dedit ei ipsum villare et direxit eum ad nos. Et cùm ad nos venisset cum ipsa epistola, quam filius noster ei fecerat, *in manibus nostris se commendavit*; et petivit a nobis jam dictus *fidelis* noster *Johannes* ut ipsum villare, quod filius noster ei dederat, concedere fecissemus. Nos verò concedimus ei ipsum villarem et omnes suos terminos et pertinentias suas ab integrè, et quantum ille cum hominibus

Commendation equivalent to Antrustionship (see above, p. 738).

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The lands granted by Charlemagne upon condition of fealty.

suis in villa *Fonte joncosa* occupavit vel occupaverit, vel de heremo traxerit, vel infra suos terminos, sive in aliis locis, vel villis, seu villare occupaverit, vel aprisione fecerit cum hominibus suis. Hæc omnia concedimus ei per nostrum donum, ut habeat ille et *posteritas* sua absque ullo censu aut inquietudine *dum nobis aut filiis nostris fideles extiterint*. (Baluze, II. p. 1400.)

[let your Grace be informed how *John* came to us, and showed to us a letter which our beloved son *Louis* had written for him and directed to us through his hands. And we find it inserted in this letter that the said *John* had fought a great fight with heretics or *Saracens*, our enemies, in the province of *Barcelona* and there overcame them at a place which is called "*At the Bridge*" and killed the aforesaid infidels and took spoils from them; and of these he offered something to our beloved son; a goodly horse, a splendid hauberk and an Indian sword, with the scabbard made of silver; and that he has asked for a certain uncultivated property in the province of *Narbonne*, which is called "*Fountains*." He indeed gave him this property and sent him on to us. And when he had come to us with the letter, which our son had written for him, he *commended himself into our hands*, and the aforesaid *vassal* of ours, *John*, did ask from us that we should cause to be granted to him the property which our son had given to him. We do grant him that property and all its boundaries and appurtenances fully and all that he along with his men has occupied or shall occupy in the estate, "*Reedy Fountain*," or shall take in from the unoccupied land, either within his own boundaries or in other places, or estates, whether he himself occupies the property, or does so by allotment among his men. All this we grant him by our free gift that he and his *posterity* may hold them without any rent or disturbance *so long as they remain faithful to us or to our sons*.]

Homage renewed accordingly by the Vassal to Louis le Débonnaire after the death of Charlemagne.

"*Johannes*" the "*Vassus*," "*Fidelis*," or "*Homo fidelis*," is now clearly in possession of his Benefice, but the first contingency happens, the death of the *Senior*, and immediately (815) upon the death of Charlemagne, *Johannes* appears before Louis le Débonnaire, performs homage in due form, and obtains a fresh livery of the lands, upon the same conditions as before, that he and his heirs should be the *Fideles* of the Emperor and the Emperor's heirs.

The *Fidelis* commends

Qualiter quidam *homo fidelis* noster, nomine *Johannes*,

veniens in nostra præsentia, qui in *manibus nostris se com-* **Part II.**

mendavit, et petivit nobis sua aprisione, quicquid genitor himself, and performs
homage.—815.

noster ei concesserat ac nos, et quicquid ille occupatum habebat, aut aprisione fecerat, vel deinceps occupare aut prendere potebat, sive filii sui cum homines eorum, et ostendit nobis exinde auctoritate quod genitor noster ei fecit. Nos verò alia ei facere jussimus sive melioravimus. Et concedimus eidem *fideli* nostro *Johanne* in pago *Narbonense* villare *Fontes*, et villare *Cello Carboniles*, cum illorum terminos et pertinencias cultum et incultum, ab integrè et quantum ille in villa *Fonte joncosa*, vel in suos terminos, sive in aliis locis vel villis sive villares occupavit, sive aprisionem fecit unà cum suis hominibus, vel deinceps facere poterit, tam ille quam filii sui omnia per nostrum donitum habeant, ille et filii sui et posteritas illorum, absque ullum censum vel alicujus inquietudine. . . . Et hæc auctoritas nostra firmis permaneat, dum ille et filii sui et posteritas illorum ad nos, *et ad filios nostros, aut ad posteritatem illorum fideles extiterint.* (Baluze, II. p. 1406.)

Condition of fealty as
before.

[How a certain *faithful man* of ours, by name *John*, who coming into our presence *commended himself into our hands* and requested us to grant him his own allotment whatever our father had granted to him we should likewise grant; and whatever he himself had occupied or had acquired by allotment or would henceforward be able to occupy or take, or his sons and their men; and showed to us thereupon the authority which our father had given him. We have given orders that other and better privileges be given him. And we grant to this same *John*, our *vassal* in the province of *Narbonne*, the property of *Fountains* and the property of *Cello Carboniles* with their boundaries and the appurtenances thereof, tilled or untilled, fully, and as much as he had occupied in the property of "*Reedy Fountain*" either in its boundaries or in other places either towns or properties, or any allotment he has made among his men or shall be able to make hereafter; that both he and his sons should hold all by our donation, he and his sons and their posterity, without return or disturbance from anyone. . . . And this our authority is to remain firm as long as he and his sons and their posterity *shall remain faithful to us and our sons and their posterity.*]

In 844, Louis le Débonnaire and Johannes are both dead; the first is succeeded by Charles le Chauve, and Theodfrid, The son of the Vassal
obtains livery of
Charles le Chauve.
—844.

Part II.

the son of the "Vassus" or Beneficiary, appearing before his *Senior*, prays for livery of his inheritance; and, accordingly, he receives the same.

Notum sit omnibus sanctæ Dei ecclesiæ fidelibus et nostris, præsentibus atque futuris, quia quidam fidelium nostrorum regni *Septimanicæ*, *Vassus* noster, nomine *Teodtfridus*, nostris obtulit obtutibus auctoritatem avi nostri *Karoli*, qua continebatur qualiter patri suo, nomine *Johanni*, præscriptus bonæ memoriæ avus noster *Karolus* concesserat villarem ad laborandum qui vocatur *Fontes* cum omni sua integritate, et quantumcunque ille in *Fonte joncosa* de heremi vastitate traxit cum suis hominibus. Ostendit etiam nobis epistolam domni et genitoris nostri *Hludowici* piissimi Augusti ad *Sturmionem* comitem directam, ut prædictam villam, id est, *Fontes*, memorato *Johanni* absque ullo censu et inquietudine habere dimitteret. Propter quam epistolam avus noster *Karolus*, ut in sua auctoritate continetur illi fieri jussit hoc.

Prayer for the renewal
of the grant of the
Benefice.

Unde et prædictus fidelis noster, nostram *deprecatus* est misericordiam ut nos denuo prædictam villam quemadmodum domnus avus noster augustus ac serenissimus augustus genitor noster patri suo per eorum litteras confirmaverunt, nos denuo illi cum sua integritate vel termino confirmare dignaremur. Quapropter et has litteras nostras illi fieri jussimus; per quas volumus atque firmamus ut prædictus qui moderno habet *fidelis* noster *Teodtfridus* sæpedictam villam *Fontes* perpetuò tenere, habere et absque ullius inquietudine possidere. (Baluze, II. p. 1445.)

[Let it be known to all the faithful of the holy Church of God and to our vassals present and future, that a certain one of our faithful men of the kingdom of *Septimania*, our *Vassal*, by name *Theodtfrid*, did present for our scrutiny the authority of our grandfather *Charles*, in which it is written how our above mentioned grandfather *Charles*, of pious memory, had granted to his father, named *John*, a property to cultivate, called *Fountains*, with all its appurtenances, and as much as he reclaimed from the uncultivated waste in "*Reedy Fountain*," he and his men. He also showed us the letter of our lord and father *Louis*, the late most pious Emperor, addressed to Count *Sturmio*, bidding him grant the aforesaid estate viz. *Fountains* to the aforesaid *John* to hold without rent or disturbance. On account of this letter of our grandfather *Charles* he (*Louis*) ordered this to be granted him as it was contained in its

authority. Whereupon the aforesaid faithful man did also Part II.
beseek our mercy that we should deign to confirm to him anew
the aforesaid estate, in such wise as the lord and emperor our
grandfather and our most serene father, the late emperor, had con-
firmed it to his father by their letters with all its appurtenances
and boundary. Wherefore we have ordered these our letters
also to be written for him, and through them we will and con-
firm that the aforesaid *Theodfrid*, our *faithful man*, who now has
it, should hold for ever the above-mentioned estate of *Fountains*,
have it and possess it without disturbance from anyone.]

Upon these documents, Guizot observes,—“Ainsi, malgré
l'hérédité du titre, chaque fois que le bénéficiaire ou le
donateur venait à mourir, le possesseur du bénéfice *croyait*
avoir besoin d'être confirmé dans sa propriété: tant l'idée
primitive de la personnalité de cette relation et des droits qui
en découlaient était profondément empreinte dans les
esprits.” [Thus, in spite of the heredity of the title, each
time the beneficiary or the donor died, the possessor of the
benefice *thought that he needed to be confirmed* in his property:
to such an extent was the primitive idea of the personality
of this relation and the rights that flowed from it, deeply
imprinted on their minds.] All this, however, is arguing
away from the documents, which are so plain as to leave no
doubt of their construction. There was no loose *belief* of
the *expediency* of confirmation, but a clear *necessity* of
obtaining a renewal of the grant; the land had been granted
upon condition of fidelity. Until Johannes had put his
hands between the hands of Ludovicus Pius, he had *not*
ensured such his fidelity. *When* he had complied with the
forms, and renewed the bond of commendation, which had
been severed by death, *then* he became entitled to his Bene-
fice, not by favour, but pursuant to law, and he received
investiture accordingly.

I.

PRÆCEPTUM DE LÆSIWERPO.

Quidquid enim in præsentia nostra agitur, vel per
manum nostram videtur, esse transvulsum, volumus ac
jubemus ut maneat in posteram robustissimo jure firmis-

Precept of Læsiwer-
po, being the record
of the surrender made
to a Sovereign by a
Fidellis, to the intent

Part II.

that he might take it
back for his life with
remainder to another
tenant.

simum. Ideòque veniens ille [**Adalbertus*], *fidelis* noster ibi in palatio nostro, in nostra vel^a *Procerum nostrorum præsentia*, villas nuncupatas illas, sitas in pago illo, sua spontanea voluntate, nobis per festucam visus est *werpisse*, vel condonasse, in ea ratione, si ita convenit, ut dum vixerit, eas ex nostro permissu sub usu beneficio debeat possidere, et post suum discessum sicut ejus adfuit petitio, nos ipsas villas fideli nostro *illi* [†*Lanfrido*], plena gratia visi fuimus concessisse. Qua propter per præsens decernimus præceptum, quod perpetualiter mansurum esse jubemus, ut dummodo taliter ipsius illius decrevit voluntas, quòd ipsas villas in supra scriptis locis nobis voluntario ordine visus est *læsowerpisse*, vel condonasse: et nos prædicto viro *illi* [*Adalberto*] ex nostro munere largitatis, sicut ipsius illius decrevit voluntas concessimus; hoc est tam in terris, domibus, ædificiis, accolabus, mancipiis, vineis, silvis, campis, pratis, pascuis, aquis aquarumve decursibus, ad integrum quicquid ibidem ipsius illius portio fuit, dum advixerit, absque aliqua deminutione, de qualibet re usufructuario ordine debeat possidere: et post ejus discessum memoratus ille [*Lanfridus*] hoc habeat, teneat et possideat, et suis posteris, aut cui voluerit, ad possidendum relinquat. Et ut hæc auctoritas, &c. (Marculfi Form. I. 13.)

I.

[PRECEPT OF LÆSIWERPO.]

For whatever is done in our presence or is seen to be decided under our hand, we do will and command that it remain for the future firmly established by the most enduring right. Whereas he (*Adalbert*), our *trusty subject* coming here in our palace, in our presence and in the presence of our Peers, did openly "*werp*" or bestow on us, by means of the rod, of his own free will, those towns here mentioned, situate in that province, on this understanding, (for so it was agreed) that, while he was alive, he was entitled to possess them with our permission under the tenure of a benefice, and after his death, (even as he himself asked), we, with full favour, should openly grant these towns to him (*Lanfrid*) our vassal. Wherefore by this present precept we do decree (and we do order that this decree shall abide for ever) that, as he himself has wished, he has openly and of his own free will, "*læsowerped*" or bestowed on us these towns in the

^a *Vel* is here used for *et*.

places above-mentioned, and we have granted them to this **Part II.** *aforesaid man* (*Adalbert*) out of the munificence of our bounty, just as he himself wished; to wit that he is entitled to possess and enjoy the usufruct of any thing whatsoever in lands, houses, buildings, inhabitants, slaves, vine-yards, woodlands, plain-lands, meadow-lands, pasture-lands, lakes or running waters, fully, in so far as his portion lies therein, while he lives, without any diminution; and after his decease the *aforesaid man* (*Lanfrid*) should have, hold, and possess it and bequeath it to his posterity or to whomsoever he wishes, to possess. And in order that this authority etc. (Formulæ of Marculf, I. 13.)]

Being convinced, as I have before observed, that this (See Chap. XVII.) important document was not, as has been hitherto supposed, the voluntary surrender of an Allodialist for the purpose of obtaining the protection of a *Senior*, I fluctuated in opinion respecting its real import.—I rather inclined, however, to the supposition that the transaction was a surrender of Allodial or Folkland, made in order that the owner himself might receive it back with a power of testamentary disposition. On further consideration, I am now entirely satisfied that the surrender is made in Court by the Beneficiary tenant [**Adalbert*] for the purpose of *transferring the land, after his death, to another person* [†*Lanfrid*], or, as we should say in common legal language, a surrender of a customary freehold to the use of himself for life, remainder to *Lanfrid*. All difficulties will be removed, if we advert to the circumstance pointed out by Hallam, and which enabled him to rectify the mistakes committed by Houard and Montesquieu in explaining another of the forms of Marculfus (Middle Ages, chap. ii., p. 1), namely, that these forms being mere precedents, the *blanks* are to be *filled up*^a before they are employed. In this instance the *first* “*ille” refers to the tenant, and the *second* “†ille” to the grantee of the reversion.

The best explanatory comment upon the Frankish precept will be found in the following feudal surrender. If we divest the charter of the technical phraseology of the English law, it will be seen that the transactions are identical in effect, and very nearly so, even in form.

^a As is here done with the names “**Adalbert*” and “†*Lanfrid*.”

Part II.

Compare with the
Precept "de læsiwer-
po."

"in nostra et pro-
cerum nostrorum
præsentia."

"per festucam."

Hathewisia de Gurneo, omnibus hominibus suis atque amicis *Francis et Anglis* salutem. Sciatis quod *Alexander de Budicumbâ* totam terram suam de *Cliveware* vendidit *Thomæ filio Willielmi* pro C. et iii. solidis, et totum suum jus ei quietum clamavit, in præsentia mei et meorum hominum in curiâ meâ apud *Barowam*; scilicet illam terram quam *Robertus de Gurneo* pater meus ei pro servicio suo dedit; et ipse *Alexander* se inde demisit; et per unum ramum arboris eam terram michi quietam reddidit in manum ad saisendum prædictum *Thomam* de illâ. Et ego saisivi *Thomam* inde per eundem ramum arboris; ad tenendum in capite de me et de meis hæredibus sibi et suis hæredibus, per servicium idem quod *Alexander* michi faciebat, scilicet servicium v. partis unius militis; cum quinque ferdellis terræ de *Bacwellâ*; et ipse *Thomas* meus homo inde devenit; et annulum aureum michi inde dedit de recognitione. Hanc convencionem concedo, et hac meâ cartâ et sigilli mei impressione confirmo. Testibus hiis *Thomâ de Buritonâ*, *Mathello de Gurneo*, *Rogero de Batvent*, *Willielmo filio Radulphi*, *Widone*, *Roberto de Batvent*, *Roberto de Warewic* [with seventeen others]. (*Madox*, *Formulare Anglicanum*, p. 54.)

[*Hawise de Gurney* to all her men and friends, both *French* and *English*, greeting. Know ye that *Alexander of Buddicumbe* has sold the whole of his land of *Cliveware* to *Thomas*, son of *William*, for one hundred and three shillings and has quit-claimed to him all his right therein in the presence of me and my men in my court at *Barrow*; to wit that land which *Robert de Gurney*, my father, gave to him for his service; and the said *Alexander* divested himself thereof and by a branch of a tree did restore to me this land into my hand for the purpose of granting possession thereof to the aforesaid *Thomas*: and I granted possession of this to *Thomas* by the same branch of a tree to be held in chief of me and my heirs to him and his heirs, for that same service which *Alexander* performed to me, to wit the service of a fifth part of one knight; with five fardels of the land of *Backwell*. And *Thomas* himself thereupon became my man and gave to me a golden ring in recognition thereof. This agreement I hereby concede and by this my charter and with the impression of my seal do hereby confirm, on the witness of the following: *Thomas of Buriton*, *Matthew de Gurney*, *Roger de Bavent*, *William Fitz-Ralph*, *Wido*, *Robert de Bavent*, *Robert of Warwick* [with seventeen others].]

II.

Part II.

BENEFICES GRANTED UPON EXPRESS CONDITION OF SERVICE.

(1.)

Concedimus cuidam fideli nostro, nomine *Nivelongo*, sub devotione servitii sui, quasdam res juris nostri, sitas in pago *Otioderinsē* seu *Wastinense* [the *Gatinois*],.....Unde et hanc nostræ firmitatis auctoritatem scribere jussimus, per quam memorato fideli nostro supra taxatas res, jure proprietario, cum omni eorum integritate concedimus. (Dip. Karoli Calvi, A.D. 843—Bouquet, VIII. p. 435.)

Benefices granted upon the express condition of service or fealty—compare with the Anglo-Saxonland-boc, see above, p. 362, piece 4.

[We have granted to a certain faithful man of ours, named *Nivelong*, under vow of his service, certain possessions of our jurisdiction, situated in the province of *Auxerre* or *Wastin* [the *Gâtinais*]......Wherefore we have ordered this authority of our confirmation to be written, whereby we grant with all their appurtenances, in proprietary right, the possessions specified above to our aforesaid faithful man. (Diploma of Charles le Chauve, A.D. 843.)]

(2.)

Concedimus cuidam fideli nostro nomine *Sicfrido* et per hanc nostram auctoritatem largimur, ob devotionem servitii sui, quasdam res juris nostri quæ ita noscuntur fore. In pago *Russilione* villa videlicet, &c. Ea videlicet conditione ut quemadmodum de reliquis rebus suis, &c. liberam habeat potestatem faciendi quicquid elegerit, &c. (Dip. Karoli Calvi, A.D. 843—Bouquet, VIII. p. 436.)

[We grant to a certain faithful man of ours, named *Sicfrid*, and by this our authority we bestow the same, on condition of the vow of his service, certain possessions of our jurisdiction, which are known to be so. In the province of *Roussillon* a town, to wit &c. To wit on this condition that as in the case of the remainder of his possessions &c. so he may have free power of doing whatsoever he chooses &c. (Diploma of Charles le Chauve, A.D. 843.)]

(3.)

In nomine Domini nostri Jesu Christi Dei æterni, *Hlotharius* divina ordinante providentia, Imperator Augustus.omnium fidelium sanctæ Dei ecclesiæ ac nostrorum,

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præsentium videlicet et futurorum, noverit industria, quia dilectissima ac familiarissima femina nostra *Doda*, ad nostram accedens majestatem, *deprecata* est celsitudinem nostram pro quodam *fidei vassallo* nostro *Ebroino* nomine, ut ei quasdam res nostræ proprietatis, quæ in pago *Hasbannio* sitæ esse noscuntur, id est, in villa *Gundrinio*, mansum dominicatum unum, ad quem pertinere noscuntur, inter terram arabilem et pratum, bunuaria decem et octo, et alii mansi serviles sex, cum mancipia quinque, ad proprium concederemus, ac per præceptum nostrum largiremur..... Ita videlicet ut quicquid ex eis deinceps jure proprietario facere voluerit, scilicet vendendi, donandi, commutandi, liberam in omnibus habeat potestatem faciendi, sicut et de reliquis hereditatis suæ rebus: *Ita tamen ut nusquam a nostra discedat fidelitate.* A.D. 855. (Martene, *Amplissima Collectio*, Vol. I. p. 138.)

[In the name of Our Lord Jesus Christ, everlasting God, *Lothaire*, by the ordinance of God's providence, Emperor Augustus..., let the diligence of all the faithful of the holy Church of God and of us, to wit both present and future, take note, that whereas our beloved and intimate consort, *Doda*, approaching our majesty, *did pray* our highness on behalf of a certain *faithful vassal* of ours, named *Ebroin*, that we should grant and bestow upon him by our precept, for his own, certain possessions of our ownership, which are known to be situated in the province of *Hesbaye*, to wit, in the town of *Gundrinium*, one domain farm to which are known to belong, between the plough-land and the meadow, eighteen bonniers¹, and six other farms with villeins, with five slaves....In such manner, to wit, that whatever he wishes to do with them in the future, with proprietary right, to wit, sell, bestow or exchange, he may have free power to do so in all things, just as he would with regard to the remaining property of his inheritance: *on this condition however that he in no case depart from his fealty to us.* A.D. 855. Martene, *An extensive Collection of ancient Writers &c.*]

III.

Part II.

EXTRACTS FROM HISTORIANS OF THE FRANKISH EMPIRE,
ELUCIDATING THE PRINCIPLES AND PROGRESS OF FEALTY
AND BENEFICIARY TENURE.

(1.)

Reverso ad *Alamanniam* Rege, habitum est in villa, quæ dicitur *Cholonpurum*, generale conventum. Inde edictum est *Baiouarios* ad *Italiam* contra *Witonem* belligera manu proficisci. Quippe *Pannonia* magnum detrimentum patitur, cujus rei unde exordium narratur assumpsisse stilo enucleamus. Igitur cum duo fratres, *Willihelmus* et *Engilchalcus*, terminum regni *Bajowariorum* in oriente à Rege (id est, seniore *Hludowico*) concessum, contra *Maravos* tenerunt, multaque pro patria tuenda conflictando sudasse feruntur: tandem diem ultimum hujus aëris in eadem voluntate finivere permanentes. Cum vero non esset honor illorum filiis redditus, *Arbo* in Comitatum domno Rege concedente successit. Quod prædictorum virorum pueruli, illorūque propinqui in contrarium accipientes et vertentes dixerunt alterutrum fieri, et *Arbonem* Comitem si non recederet de Comitatu parentorum suorum, et seipsos ante faciem gladii morituros. Hoc experimento *Arbo* concussus, amicitiam iniit cum *Zuentibaldo* Duce *Maravorum* gentis, firmatoque inter illos foedere, filium suum obsidem fieri non tardavit. Nec minus ipsi prædicti pueri consulunt quosdam primores *Bajowaricæ* gentis, collatisque propinquis ac undique copiis, fortior manus in id tempus illis adstabitur. Comitem à Rege constitutum inhonorificè expellebant, comitatumque illis in usum usurpaverunt. (Ann. Franc. Fuld. Bouquet, VIII. p. 48.)

[When the King had returned to *Alamannia*, a general assembly was held in the town which is called *Colmar*. There an edict was promulgated that the *Bavarians* should set out to *Italy* with a hostile army to attack *Wito*. *Pannonia* is indeed suffering great loss, and we explain with the pen how the beginning of this affair is said to have arisen. Two brothers therefore, *William* and *Engelschalk*, held the boundary of the kingdom of *Bavaria* on the eastern side, granted them by the King (i.e. *Louis the Elder*) against the *Moravians*, and are said to have expended much energy in their conflict for the protection of their country. At length they reached the last day

884.

William and Engelschalk, — Marquisate, or Limitanian Benefice of *Pannonia*, or *Austria*, granted to them upon condition of defending the same against the *Moravians*. The *Honour* not being restored to their sons, but granted to *Arbo*, the sons and their kinsmen expel the intruder.

Part II.

of their lives remaining steadfast to the end in their loyal attitude. When therefore the *succession* was not bestowed on their sons, *Arbo* succeeded to the County by the Lord King's concession. But the sons of the aforesaid men and their relatives when they heard this and took it ill, said that one of two things would happen, either that Count *Arbo*, if he did not evacuate the County of their fathers, or they themselves, would perish by the edge of the sword. *Arbo*, stunned by this new departure, formed a friendship with *Zwentibold*, Duke of the *Moravian* people, and when a treaty had been established between them, did not hesitate to make his son a hostage. With no less despatch the aforesaid youths seek the counsel of certain nobles of the *Bavarian* people, and after collecting their relatives and their forces from all sides, the stronger force was with them for that season. They expelled with disgrace the Count that had been appointed by the King, and usurped the County to their own use. (Annals of Fulda.)]

(2.)

594—595.

Tassilo I. appointed
King of the Bavarians
by Childebert.

His diebus *Tassilo* Rex *Bajoariorum* a *Hildeberto* constituitur, qui mox, *Sclavis* superatis, magnam exinde prædam deportavit. (Hermannus Contractus, Bouquet, III. p. 324.)

[In those days *Tassilo* was appointed King of the *Bavarians* by *Hildebert*, and he soon afterwards overcame the *Slavs* and carried away much spoil from them. (Hermann the Halt.)]

596.

His diebus *Tassilo* a *Childeberto* Rege *Francorum* apud *Bajoariam* Rex ordinatus est. (Paul. Diac. de Gestis Langobardorum, Bouquet, II., p. 637.)

[In those days *Tassilo* was ordained King in *Bavaria* by *Childebert*, King of the *Franks*. (Paul the Deacon, Acts of the Lombards.)]

(3.)

743.

Ogilo (a descendant of
Tassilo I.) obtains his
Duchy by the grant of
Charles Martel.

Ogilo, Dux *Bajoariorum*, qui *Hiltrudem* filiam *Karoli* ad se fugientem in conjugium sibi copulaverat contra voluntatem *Pippini* et *Karlomanni*, se et etiam ducatum suum, quem largiente olim *Karolo* Principe habuerat, a dominatione *Francorum* subtrahere nitebatur: qua de causa, compulsi sunt gloriosi germani exercitum contra ipsum ducere. (Ann. Metenses, Bouquet, II. p. 686.)

[*Odilo*, Duke of the *Bavarians*, who had married *Hiltrudis*, Part II. the daughter of *Charles*, contrary to the wishes of *Pepin* and *Carloman*, when she sought refuge with him, strove to withdraw himself and *his duchy*, which he had held by the gift of the Emperor *Charles* in former times, from the domination of the *Franks*. For this reason the glorious brothers were constrained to lead an army against him. (*Annals of Metz*.)]

(4.)

Grifo, *Saxonum* fidei diffidens, *Bajoariam* petiit, et copiis, 748.
quæ ad eum de *Francia* confluebant, ipsum Ducatum in suam
redegit potestatem: *Tassilonem* et *Hilthrudim* in deditionem
accepit; *Swithgerum* sibi in auxilium venientem suscepit.
Hæc cum ad *Pipinum* perlata fuissent, cum maximo exercitu
in *Bajoariam* profectus est, fratremque suum *Grifonem* cum
omnibus qui cum eo vel ad ipsum eò venerant, cepit, *Tassilonem*
in Ducatum restituit: domumque reversus, *Grifonem*,
more Ducum, duodecim comitatibus ditavit. (*Annales*
Eginhardi, Bouquet, V. p. 197.)

Tassilo III. (the son of
Odilo) restored to his
Duchy by *Pepin*.

[*Grifo*, who distrusted the good faith of the *Saxons*, attacked *Bavaria* and with the forces, which flocked to his banner from *France*, reduced that Duchy to his power. He admitted to surrender *Tassilo* and *Hiltrudis*, and received *Swithger* who was coming to his aid. But when these matters reached the ears of *Pepin*, he set out with a large army to *Bavaria*, and captured his brother *Grifo* and all those who had come thither either with him or to him, and restored *Tassilo* to the Dukedom. And when he had come home, he presented twelve counties, a ducal endowment, to *Grifo*. (*Annals of Einhard*.)]

Grifo, de *Saxonia* iter peragens, fugiendo in *Bagauriam* 748.
usque pervenit, ipsum Ducatum sibi subjugavit, *Hiltrudem*
cum *Tassilone* conquisivit. *Swidger* ad eum venit in solatio
supradicti *Grifonis*. Hæc audiens *Pipinus*, iter illuc arripiens
cum exercitu suo, supranominatos totos sibi subjugavit,
Grifonem secum abduxit, *Lantfridum* similiter. *Tassilonem*
vero in Ducatu *Bajoariorum* conlocavit per suum beneficium.
Grifonem verò partibus *Neustriæ* misit, et dedit ei duodecim
comitatus. (*Annales* *Loiseliani*, Bouquet, V. p. 33.)

[*Grifo*, pursuing his journey from *Saxony*, came in his flight to *Bavaria* and subjugated the Dukedom to himself, conquering *Hiltrudis* and *Tassilo*. *Swidger* came thither to aid the above-

Part II.

mentioned *Grifo*. When *Pepin* heard this, he hastened to march thither with his army and subjugated all those mentioned above and took *Grifo* away with him and also *Lantfrid*. He also placed *Tassilo* in the Duchy of *Bavaria* by his benefice. However he sent *Grifo* to the province of *Neustria* and gave him twelve counties. (Annals of Lorsch.)]

748, 749.

Pipinus Bajoariam adiens, *Thassilonem* sororis suæ *Hiltrudis* filium, Ducem ibi constituit. (Hermannus Contractus, Bouquet, III. p. 331.)

[*Pepin* came to *Bavaria* and appointed *Tassilo*, the son of his sister *Hiltrudis*, Duke there. (Hermann the Halt.)]

(5.)

754, 755.

Tassilo, as the Vassal of *Pepin*, attends the Champ de Mars,—performs military service.

Venit *Dessilo* ad Martis Campum. (Annales Nazariani, Bouquet, V. p. 10.)

[*Tassilo* came to the Champ de Mars. (Annals of St. Nazaire.)]

Rex *Pipinus*, cum nepote suo *Tassilone*, *Bajoariorum* Dux, partibus *Italiae* usque ad *Ticinum* iterum accessit, et totam regionem illam fortiter devastans, circa muros *Ticini* utraque parte fixit tentoria, ita ut nullus exinde evadere potuisset; hæc *Aistulfus*, Rex *Langobardorum*, cernens, &c. (Chron. Fredegari, Bouquet, V. p. 3.)

[King *Pepin*, with his nephew *Tassilo*, Duke of *Bavaria*, again came as far as *Ticinum* (Pavia) in the parts of *Italy*, and devastating ruthlessly the whole of that region, fixed his tents around the walls on all sides of *Ticinum*, so that no one could escape thence. When *Aistulf*, King of *Lombardy*, saw this &c. (Chronicle of Frédégaire.)]

(6.)

757.

Tassilo appears before *Pepin* in the Placitum at Compiègne, becomes his Vassal, performs homage, and takes the oath of fealty to *Pepin*, and his sons, *Charles* and *Carloman*—the *Bavarian Nobles* do the like—compare with the Precept of Antrustionship (see above, p. 738), and the Anglo-Saxon Homages (see above, p. 348 &c.).

Rex *Pipinus* tenuit placitum suum in *Compendio* cum *Francis*. Ibique *Tassilo* venit, Dux *Bajoariorum*, in vassatico se commendans per manus: sacramenta juravit multa et innumerabilia, reliquiis Sanctorum Martyrum manus imponens: et fidelitatem promisit Regi *Pipino* et supradictis filiis ejus, Domno *Carolo* et *Carlomanno*, sicut vassus recte mente et firma devotione per justitiam domino suo esse deberet. Sic confirmavit supradictus *Tassilo* supra corpus Sanctorum *Dionysii*, *Rustici* et *Eleutherii*, necnon et *S. Germani*, seu *Sancti Martini*: ut omnibus diebus vitæ suæ sic conservaret.

sicut sacramentis constrictus promiserat. Sic et ejus **Part II.**
homines, *maiores natu*, qui erant cum eo, firmauerunt, sicut
dictum est, in locis superius nominatis et in aliis multis.
(Annales Loiseliani, Bouquet, V. p. 34.)

[King *Pepin* held his Assembly at *Compiègne* with the
Franks. And *Tassilo*, Duke of the *Bavarians*, came there and
entrusted himself in fealty into his hands. He swore many
oaths, too numerous to mention, placing his hands on the relics
of the holy Martyrs and promised fealty to King *Pepin* and to
his sons above-mentioned, the Lord *Charles* and *Carloman*, *just*
as a vassal of upright mind and loyal devotion is justly bound to
be to his lord. In this way the above-mentioned *Tassilo* con-
firmed his oath over the bodies of the Saints *Dionysius*, *Rusticus*
and *Eleutherius* and also of *St. Germanus* and *St. Martin*, that he
would, all the days of his life, continue to keep the same, in
accordance with his bounden oath and promise. So did his
men also, *the elders* who were with him, confirm their oaths, in
like manner as has been told, in the places mentioned above
and in many other places. (Annals of Lorsch.)]

Constantinus Imperator, *Pipino* Regi multa misit munera, 757.
inter quæ et organa, quæ ad eum in *Compendio* villa per-
venerunt, ubi tunc populi sui generalem conventum habuit.
Illuc et *Tassilo* Dux *Bajoariorum* cum primoribus gentis suæ
venit, et *more Francico*, in manus Regis in *vassaticum manibus*
suis semetipsum commendavit; fidelitatemque tam ipso Regi
Pipino, quàm filiis ejus *Karolo* et *Karolomanno* jurejurando
super corpus Sancti *Dionysii* promisit. Sed non solum ibi,
verum etiam super corpus Sancti *Martini*, et Sancti *Germani*,
simili sacramento, fidem se prædictis dominis suis diebus
vitæ suæ servaturum est pollicitus. Similiter omnes
primores ac majores natu *Bajoarii*, qui cum eo in præsentiam
Regis pervenerant, fidem se Regi et filiis ejus servaturos in
prædictis venerabilibus locis promiserunt. (Annales Egin-
hardi, Bouquet, V. p. 198.)

[The Emperor *Constantine* sent many gifts to King *Pepin*,
amongst which was the organ, which came to him in the town
of *Compiègne* where he was at that time holding a general
assembly of his people. Thither also came *Tassilo*, Duke of
the *Bavarians*, and with him the leading men of his people, and
in the *Frankish manner* he commended himself in vassalage into
the King's hands with his own hands. And he promised fealty
to King *Pepin* and also to his Sons, *Charles* and *Carloman*, by

Part II.

an oath over the body of *St. Dionysius*. But not only there, but also over the body of *St. Martin* and *St. Germanus*, he promised with a similar oath to preserve fealty to his lords aforesaid, all the days of his life. In like manner all the leading men and elders of the *Bavarians*, who had come with him into the presence of the King, promised in these venerable places aforesaid, that they would preserve fealty to the King and his sons. (Annals of Einhard.)]

(7.)

763.
Tassilo violates his
oaths of fealty.

Pipinus Rex habuit placitum suum in *Nivernis*. Et quantum iter faciens in *Aquitaniā*, ibi *Tassilo* Dux *Bajoariorum* postposuit sacramenta et omnia quæ promiserat, et per malum ingenium se inde seduxit, omnia benefacta quæ *Pipinus* Rex avunculus ejus ei fecit, postposuit: per ingenia fraudulenta se subtrahendo, *Bajoariam* petiit, et nusquam amplius faciem supradicti Regis videre voluit. (Annales Loiseliani, Bouquet, V. p. 35.)

[*Pepin* the King held his Assembly in the *Nivernais*. And when he made a fourth expedition into *Aquitaine*, *Tassilo*, Duke of the *Bavarians*, there contemned his oaths and all the promises which he had made, and by an evil disposition withdrew himself from them and made light of all the favours which his uncle King *Pepin* had bestowed on him. Withdrawing on fraudulent pretexts, he repaired to *Bavaria* and would never look upon the face of the above-mentioned King again. (Annals of Lorsch.)]

763.

Redeunte anni congruo tempore, conventu in *Nivernis* habito, et contractis undique copiis, Rex *Pipinus* *Aquitaniā* repetit, et omnia quæ extra munitiones erant ferro et igne depopulatus, usque ad *Cadurciam* oppidum accessit. Inde cum exercitu integro in *Franciam* se recepturus, per *Limo-vicā* regreditur. De qua expeditione *Tassilo*, *Bajoarice* Dux, ægritudine per dolum simulata, in patriam reversus est: firmiterque ad defectionem animo, ad Regis aspectum se ulterius venturum abjuravit.

764.

Rex *Pipinus*, distracto in diversa animo propter duo bella; *Aquitanicum* scilicet jam olim susceptum, et *Bajoaricum* propter *Tassilonis* Ducis defectionem suscipiendum, populi sui generalem conventum habuit in *Wormacia* civitate.

Dilataque in futurum expeditione, illo anno domi se continuit. **Part II**
(Annales Eginhardi, Bouquet, V. p. 199.)

[When a suitable time of the year had come round and his Assembly had been held in the *Nivernais*, King *Pepin* gathered together his forces from all quarters and again goes to *Aquitaine*, and after laying waste with fire and sword all the country that was outside the fortifications, he came as far as the town of *Cahors*. From there intending to return to *France* with his entire army, he retraces his steps through *Limoges*. In this expedition *Tassilo*, Duke of *Bavaria*, craftily pretending that he was sick, took no part and returned to his country. And when his determination to revolt had been settled, he swore that he would never come any more to the King's presence.

King *Pepin*, his mind greatly distracted by two wars, to wit the one which had already for some time been undertaken in *Aquitaine* and the one which he would have to undertake against *Bavaria* owing to the defection of *Tassilo* the Duke, held a general assembly of his people in the city of *Worms*. And postponing his expedition to a future time, he remained at home for that year. (Annals of Einhard.)]

(8.)

Tassilo, Dux *Bajoariæ*, contra *Karolum* Regem rebellat, ^{780.}
hortatu uxoris suæ quæ filia erat *Desiderii* Regis, et exilium
patris sui per maritum suum vindicare tentabat. (Chron.
Sigeberti, Bouquet, V. p. 377.)

^{780.}
Tassilo, instigated by
his wife, rebels against
Charlemagne.

[*Tassilo*, Duke of *Bavaria*, rebels against King *Charles*, at the instigation of his wife, who was the daughter of King *Desiderius*, and who wished to attempt to avenge her father's exile by means of her husband. (Chronicle of Sigebert of Gemblours.)]

(9.)

Sine hoste fuit hic annus, nisi tantum *Vurmacia* civitate ^{781.}
venerunt *Franci* ad Placitum: et ibi fuit *Tassilo*, Dux de
Baioaria, magnaue munera presentavit Domno Regi et per
suum comigatum rediit ad patriam. (Annales Petaviani,
Bouquet, V. p. 15.)

^{781.}
Tassilo attends the
Placitum, or Champ
de Mai—presents gifts
to the King.

[This year was without hostilities, except only that the *Franks* came to an Assembly in the town of *Worms* and there came *Tassilo*, Duke of *Bavaria*, and presented many gifts to

Part II.

the Lord King and returned with his licence to his country. (Petau's Annals.)]

(10.)

781.

Pope Adrian, and Charlemagne, join in despatching legates to Tassilo, exhorting him to observe the oaths of fealty which he had sworn.

Tassilo repairs to Worms—renews his oaths, but which he immediately afterwards breaks again.

Carolus Romam veniens honorificè ab *Adriano* Papa susceptus est. Et cum ibi sanctum *Pascha* celebraret, baptizavit idem Pontifex filium ejus *Pipinum*, unxitque in Regem. Unxit etiam et *Ludovicum* fratrem ejus, quibus et coronam imposuit. Quorum major, id est, *Pipinus*, in *Langobardia*: minor verò in *Aquitania* Rex constitutus est.....quibus gestis, in *Franciam* reversus est. Sed cum Romæ esset, convenit inter ipsum atque *Adrianum* Pontificem, ut simul Legatos mitterent ad *Tassilonem* Ducem *Bajoariæ*, qui eum commonerent de sacramento quod *Pipino* Regi et filiis ejus ac *Francis* juraverat: scilicet ut eis subjectus esset ac obediens. Electi ac directi sunt in hanc legationem de parte Pontificis, *Formosus* ac *Damasus* Episcopi, et de parte Regis *Richolfus* Diaconus, atque *Eberhardus* Magister Pincernarum. Qui cum, ut jussi erant, commemorato Duci locuti fuissent, in tantum cor ejus emollitum est, ut diceret se statim velle ad Regis properare præsentiam, si sibi tales dentur obsides, sub quibus de sua salute dubitare nulla sit necessitas. Quibus datis, sine cunctatione apud *Wormaciam* ad Regem venit, sacramentum quod jubebatur juravit, obsides duodecim qui imperabantur sine mora dedit: quos *Suidbertus* *Reginensis* Episcopus de *Bajoaria* in *Carisiaco* ad conspectum Regis adduxit. Sed idem Dux domum reversus, non diu in ea quam promiserat fide permansit. (Annales Eginhardi, Bouquet, V. p. 205.)

[When *Charles* came to Rome, he was honourably received by Pope *Adrian*. And when he was celebrating the holy feast of *Easter* there, this Pontiff baptized his son *Pepin* and anointed him King. He also anointed his brother *Louis* as well and placed the crown on their heads. And the elder of them, to wit *Pepin*, was appointed King of *Lombardy*, and the younger King of *Aquitaine*.....and when these things had been done, he returned to *France*. But when he was at Rome, it was agreed between him and Pope *Adrian* that they should both send Legates to *Tassilo*, Duke of *Bavaria*, to remind him of the oath which he had sworn to King *Pepin* and his sons and to the *Franks*, to wit that he would be subject and obedient to them. On behalf of the Pope, the Bishops *Formosus* and *Damasus*

were elected and despatched on this Embassy, and on behalf **Part II.** of the King, *Riculf* the Deacon and *Eberhard* the Master of the Cupbearers. And when they had spoken to the aforesaid Duke as they had been ordered, his heart was so softened that he said that he was willing to hasten immediately to the King's presence, if they would give him such hostages that there would be no occasion to fear for his own safety. When these were given, he came to the King at *Worms* without delay and swore the oath which he was ordered to swear, and gave without delay the twelve hostages which he was ordered to give; and these *Suidbert* Bishop of *Regensburg* brought from *Bavaria* to the King's presence at *Kiersy*. But the Duke when he had returned home did not long abide by the fealty which he had promised. (Annals of Einhard.)]

(11.)

Carolus Rex Francorum de Roma revertens ad *Paveia* ^{787.}
Civitatem *Langobardos* congregavit, ...postea, commoto
exercitu *Francorum*, perrexit in fines *Alemannorum* et *Be-*
juveriorum ad flumen quod appellatur *Lech*. Illucque veniens
Dessilo Dux *Bejuveriorum* ad eum, et reddidit ei *cum baculo*
ipsam patriam, in cujus capite similitudo hominis erat. Et
effectus est *vassus* ejus, et *Theodonem* filium suum dedit ei
obsidem. (Annales Nazariani, Bouquet, V. p. 12.)

Tassilo surrenders up his
duchy to Charlemagne, by
the delivery of the Staff.
Renews his vassalage—
his son given as a hostage.

[*Charles*, King of the *Franks*, on his return from Rome, summoned the *Lombards* to the town of *Pavia*, and thereafter, having collected the army of the *Franks*, he proceeded to the territory of the *Allemanni*s and *Bavarians*, as far as the river which is called *Lech*. And *Tassilo*, Duke of the *Bavarians*, coming thither to him, restored his country to him by the delivery of a staff, on the head of which there was the image of a man. And he became his *vassal* and gave his son *Theodon* as a hostage to him. (Annals of St. Nazaire.)]

Karolus perrexit in fines *Bajuvariorum*, et illuc venit ^{787.}
Dux *Tassilo*, et reddidit ei ipsam patriam *cum baculo*, in
cujus capite similitudo hominis erat sculptum, et dedit ei
filium suum *Deodonem* obsidem. (Annales Guelferbytt., Pertz,
I. p. 45.)

[*Charles* proceeded to the territory of the *Bavarians* and Duke *Tassilo* came to him there and restored to him his country by the delivery of a staff, on the head of which there

Part II.

was carved the image of a man; and he gave him his son *Deodon* as a hostage. (Annals of Wolfenbüttel.)]

(12.)

788.

Tassilo brought before Charlemagne, accused of treason,—confesses his guilt,—shorn as a monk.

Dessilo autem Dux *Bejuveriorum* venit in *Franciam* ad Regem *Francorum Carolum*, ad villam quæ appellatur *Ingolheim*. Post hæc ergo transmisit jam præfatus Rex Legatos suos in *Bejuveriam* post uxorem ac liberos jam præfati Ducis. Qui studiosè atque efficaciter jussionem Regis implentes, adduxerunt hæc omnia, una cum thesauris, ac familia eorum copiosa valde, ad jam dictum regem. Cùmque hæc ita agerentur, comprehensus est jam præfatus Dux à *Francis*, et ablatis armis ejus, ductus est ante regem. Igitur cumque simul sermocinarentur, interrogavit eum de insidiis atque dolosis consiliis, quod cum multis gentibus jam olim ei præparare conatus fuerat. Quod cùm ille negare nequaquam prævalere videbatur, invitus jussus est comam capitis sui deponere. Ille autem magnis precibus postulabat Regem, ut non ibidem in Palatio tonderetur, propter confusionem videlicet, atque opprobrium quod à *Francis* habere videbatur. Rex enim precibus ejus adquiescens, ad Sanctum *Nazarium*, qui juxta *Rheno* flumine in corpore requiescere cognoscitur, eum transmisit; et ibidem clericus effectus est, et inde exiliatus est ad Cœnobium quod appellatur *Gemeticum*. Duo quoque filii ejus, his nominibus, *Theoto* et *Theobertus*, utrique tonsurati atque exiliati sunt. Nam et uxor jam præfati Ducis nomine *Luitburga* exiliata esse comprobatur. Hæc ergo omnia ad gloriam et honorem domino Regi, ad confusionem vero et opprobrium fiebant inimicis suis, eò quòd rerum Creator omnium fecit eum semper esse triumphatorem. (Annales Nazariani, Bouquet, V. p. 12.)

His sons also shorn and banished.

[Moreover *Tassilo*, Duke of *Bavaria*, came to *France* to the presence of *Charles*, King of the *Franks*, at the town called *Ingelheim*. Whereupon therefore the aforesaid King despatched his Legates to *Bavaria* to fetch the wife and children of the aforesaid Duke. And they, zealously and effectively fulfilling the King's command, brought all of them together with their treasure and a numerous retinue of their servants, to the aforesaid King. And when this was being done, the aforesaid Duke had already been arrested by the *Franks*, and after his arms had been taken from him he was led before the King. When

therefore they came to speech with one another, the King questioned him about the plots and crafty plans which he had for a long time been trying to form with many nations against him. When he seemed utterly at a loss to deny this, much against his will he was ordered to have his head shorn. He however with urgent prayers begged the King not to have him shorn there in the Palace on account of the confusion and disgrace he would incur in the eyes of the *Franks*. And the King, paying heed to his prayers, sent him to *St. Nazarius*, whose body is known to lie near the river *Rhine*; and there he was made a monk, and forthwith exiled to the Convent which is called *Jumièges*. And his two sons, named *Theoto* and *Theotbert*, were also both of them shorn and banished. And the wife too of the aforesaid Duke, named *Luitberga*, was also deemed worthy of exile. All these things therefore were done to the glory and honour of the Lord King and to the confusion and disgrace of his enemies, because the Creator of all things made him always to triumph. (Annals of St. Nazaire.)]

[Another narrative of the preceding transactions.]

Reversus est sæpè nominatus Rex, et celebravit Pascha cum domno Apostolico in Roma. Ibique venientes missi *Tassilonis* Ducis, hii sunt, *Arnus* Episcopus, et *Hunricus* Abba, petierunt Apostolicum ut pacem terminaret inter domnum *Carolus* Regem et *Tassilonem* Ducem. Unde et domnus Apostolicus multum se interponens, postulando jam dicto domno Regi. Et ipse domnus Rex respondit Apostolico, hoc se voluisse, et per multa tempora quæsisse, et minimè invenire potuisse, et proferebat statim fieri. Et voluit supradictus domnus Rex in præsentia domni Apostolici cum ipsis missis pacem firmare: et renuentibus supradictis missis,

787.
Tassilo despatches ambassadors to the Pope, praying his mediation.

[The King often mentioned above returned and celebrated Easter with the Lord Pope at Rome. And there came to him there messengers from Duke *Tassilo*, to wit, Bishop *Arnus* and Abbot *Henry*, requesting the Pope to establish peace between the Lord King *Charles* and Duke *Tassilo*. Whereupon the Lord Pope made urgent appeals as mediator to the aforesaid King. And the Lord King himself answered the Pope and said that such was his wish and that he had for a long time sought this consummation but had not been able to find any means of accomplishing it, and offered to bring it about at once. And the aforesaid Lord King wished to establish peace with the messengers themselves in the presence of the Lord Pope, but the aforesaid messengers refused to do this saying that they

Part II.

The Pope fulminates an anathema against *Tassilo*, unless he observes the oaths which he had sworn to *Pepin*, &c. The Pope further declares, that unless *Tassilo* renders due obedience, *Charlemagne* and the *Franks* will be fully absolved from all sin in relation to bloodshed, &c., to be occasioned by the just and necessary war which may be undertaken against the rebels.

dicendo, quia non ausi fuissent de eorum parte ullam firmitatem facere. Apostolicus verò cùm cognovisset de instabilitate vel mendacio eorum, statim supra dictum Ducem eorum vel suis consentaneis anathema posuit: si ipsa sacramenta, quæ promiserat domno *Pipino* Regi, et domno *Carolo* item Regi, non adimpleret. Et obtestans supradictos missos, ut contestarent *Tassilonem*, ut non aliter fecisset, nisi in omnibus obediens fuisset domno Regi *Carolo*, et filiis ejus, et genti *Francorum*, ut ne fortè sanguinis profusio proveniret, vel læsio terræ illius. Et si per se Dux, obdurato corde, verbis supradicti Apostolici minimè obedire voluisset, tunc domnus *Carolus* Rex, et suus exercitus absoluti fuissent ab omni periculo peccati, et quicquid in ipsa terra factum eveniret in incendiis, aut in homicidiis, vel in qualecumque malitia, ut hoc super *Tassilone* et ejus consentaneis evenisset, et domnus Rex *Carolus* ac *Franci* inoxii ab omni culpa exinde permansissent. Hæc verba expleta, missi *Tassilonis* absoluti sunt. Et tunc in invicem sibi domnus Apostolicus atque domnus gloriosus *Carolus* Rex valedicentes, benedictione assumpta, oratione peracta, *Franciam* jamdictus

dared not agree to any settlement on their own authority. When therefore the Pope perceived their insincerity and deceitfulness, he pronounced an anathema against the aforesaid Duke and his partisans, unless he fully observed his oaths, which he had promised to the lord King *Pepin* and also to the lord King *Charles*. And he conjured the aforesaid messengers to bear witness to *Tassilo* that he had not observed his oaths unless he had been obedient in all things to the lord King *Charles* and his sons and to the people of the *Franks*, so that perchance no shedding of blood might ensue or grievous hurt to his land. And if the Duke of his own accord hardened his heart and utterly refused to obey the words of the aforesaid Pope, then the lord King *Charles* and his army would be free from all danger of sin and whatsoever should happen in that land, in respect of burnings or killings or any evil-doing, so that the responsibility of it should fall on *Tassilo* and his partisans; and the lord King *Charles* and the *Franks* should remain free from all blame in respect of them. On the completion of these words, the messengers of *Tassilo* were dismissed. And then when the lord Pope and the glorious lord King *Charles* had said farewell to one another and the Apostolic blessing had been given and their conversation ended, the most illustrious

præcellentissimus Rex reversus est. Et pervenit idem mitis- Part II.
simus Rex ad conjugem suam domnam *Fastradam* Reginam
in civitate *Warmatia*: et ibi ad invicem gaudentes et læti-
ficantes, ac Dei misericordiam conlaudantes: synodum nam-
que congregavit suprascriptus domnus Rex ad eandem civi-
tatem. Et sacerdotibus suis, et aliis optimatibus nunciavit,
qualiter omnia in itinere suo peragebantur. Et cum venisset
ad hunc locum, quod omnia explanasset de parte *Tassilonis*,
sicut actum erat: tunc perspiciebat idem Rex ut missos
mitteret, mandaretque *Tassiloni*, ut omnia adimplere festi-
naret, secundum jussionem Apostolici, vel sicut justitia erat:
eo quòd sub jurejurando promissum habebat, ut in omnibus
obediens et fidelis fuisset domno Regi *Carolo*, et filiis ejus, vel
Francis, et veniret ad ejus præsentiam, quod renuit, et venire
contempsit. Tunc domnus Rex *Carolus* unà cum *Francis*
videns justitiam suam, iter cœpit peragere partibus *Bajoariæ*
cum exercitu suo, et per semetipsum venit in loco, qui *Lecfel*
vocatur, super civitatem *Augustam*. Et jussit alium exer-
citum fieri, id est, *Francorum*, *Austrasiorum*, *Thoringorum*,
et *Saxonum*, et conjugere super *Danubium* fluvium, in loco

Tassilo summoned to ap-
pear before Charlemagne,
which he refuses to do.

Charlemagne leads his
army against Tassilo.

King aforesaid returned to *France*. And this most gracious
King came to his wife, the lady Queen *Fastrada*, in the town
of *Worms*, and there they both rejoiced and made merry and
praised God's mercy. For the above-mentioned lord King
summoned a synod at that town, and he told his priests and
his nobles how all matters had been transacted during his
journey. And when he came to that part of the story in which
he explained all that had taken place in regard to *Tassilo*,
exactly as it had taken place, then the King bethought him
that he should send messengers and lay his commands upon
Tassilo to fulfil with dispatch all obligations according to the
Pope's command, as was only right, inasmuch as he had
promised under oath that he would be obedient and faithful in
all things to the lord King *Charles* and his sons, and to the
Franks and to come to his presence: this he refused to do and
disdained to come. Then the lord King *Charles* together with
the *Franks*, assured of the justice of their cause, began to
march into the territory of *Bavaria* with his army and came in
person to the place which is called *Liefel*, above the town of
Augsburg. And he ordered another army to be formed, to wit
of *Franks*, *Austrasians*, *Thuringians* and *Saxons*, and to unite
on the banks of the river *Danube*, in a place which is called

Part II.

Tassilo renews his homage,
and gives hostages.

788.

Tassilo appears before
Charlemagne, at Ingel-
heim, like the other Vas-
sals.

qui dicitur *Faringa*. Et tertium exercitum jussit fieri par-
tibus *Italiae*, ut domnus *Pipinus* Rex venisset usque ad
Triantum cum exercitu suo, et ipse ibi maneret, et exercitum
suum pleniter in antè mitteret usque ad *Bauzanum*. Tunc
prospiciens se *Tassilo* ex omni parte esse circumdatum, et
videns quod omnes *Bajaorii* plus essent fideles domno Regi
Carolo, quam ei, et cognovissent justitiam jamdicti domni
Regis, ut magis voluissent justitiam consentire, quam con-
trarii esse, undique contristatus *Tassilo* venit per semet-
ipsum, tradens se manibus domni Regis *Caroli* in *vassaticum*,
et reddens Ducatum sibi commissum a domno *Pipino* Rege,
et cognovit se peccasse in omnibus et malè egisse. Tunc
denuo renovans sacramenta, et dedit obsides electos duo-
decim, et decimum tertium, filium suum *Theodonem*. Re-
ceptis obsidibus, et præstitis sacramentis, tunc reversus est
prefatus gloriosus Rex in *Franciam*. Et celebravit Natalem
Domini in villa quæ dicitur *Ingilenhaim*, et Pascha similiter.
Et immutavit se numerus annorum in dclxxxviii. Tunc
domnus Rex *Carolus* congregans synodum ad jam dictam
villam *Ingilenhaim*, ibique veniens *Tassilo* ex jussione domni

Pföring. And he ordered a third army to be formed in *Italy*,
so that the lord King *Pepin* should come with his army as far
as *Trient* and remain there himself, but send his army in full
strength forward as far as *Bozen*. Then *Tassilo* perceived that
he was surrounded on all sides and seeing that all the *Bavarians*
were more loyal to the lord King *Charles* than to him and that
they had recognized the justice of the aforesaid lord King's
cause, so that they were more wishful to abide by his justice
than to oppose it; *Tassilo*, I say, comfortless on every side,
came in person and delivering himself into the hands of the
lord King *Charles* as a *vassal* and surrendering the Duchy
granted to him by the lord King *Pepin*, acknowledged that he
had sinned and behaved wickedly in all things. Then he
renewed afresh his oaths and gave twelve chosen hostages and
as a thirteenth his son *Theodo*. When the hostages had been
received and the oaths administered, then the aforesaid glorious
King returned to *France*. And he celebrated the Festival of
our Lord's Nativity in the town which is called *Ingelheim* and
also the Feast of Easter. And the number of the years changed
to 788. Then when the lord King *Charles* summoned a synod
at the aforesaid town of *Ingelheim*, *Tassilo* came there also
upon the commands of the lord King, like the rest of his

Regis, *sicut cæteri ejus vassi*. Et cœperunt fideles *Bajoarii* Part II. dicere; quod *Tassilo* fidem suam salvam non haberet, sed postea fraudolans appareret, postquam filium suum dedit cum aliis obsidibus, et sacramenta fefellit, suadente uxore sua *Luitberga*. Quod et *Tassilo* denegare non potuit, sed confessus est, se ad *Avaros* transmisisse vassos supradicti domini Regis, ut ad se cohortando venirent: et se super vita Regis conciliasse; et homines suos, quando jurabant, jubebat ut aliter in mente retinerent, et sub dolo jurarent: et quod magis confessus est, se dixisse, etiamsi decem filios haberet, omnes voluisset perdere, antequam placita sic manerent, vel stabile permetteret sicut juravit. Et etiam dixit, melius se moriturum esse, quam ita vivere. Et de his omnibus comprobatus, *Franci*, et *Bajoarii*, *Langobardi* et *Saxones*, vel omnes ex aliis provinciis, qui ad eandem synodum congregati fuerunt, reminiscetes priorum malorum ejus, et quomodo domnum *Pipinum* Regem in exercitu derelinquens, et ibi quod *Theodisca* lingua "*Harisliz*" dicitur, visi sunt judicasse se eundem *Tassilonem* ad mortem. Sed dum omnes unâ voce acclamarent capitali eum ferire sententiâ, jam-

Accused of *Harisliz*—
(i.e. desertion from the
Here or Army) — and

vassals. And the loyal *Bavarians* went on to say that *Tassilo* was not keeping his oath of fealty but that his treachery was manifest later, after he gave his son with others as hostages, and violated his oaths at the instigation of his wife *Luitberga*. And this *Tassilo* could not deny, but confessed, that he had sent vassals of the lord King aforesaid to the *Avars* to try and persuade them to come to him, and that he had plotted against the life of the King; and he ordered his men, when they swore, to make a mental reservation and swear deceitfully; and, what was more serious, he confessed that he had said, that even if he had ten sons, he would rather lose them all than that the agreements should remain as they were or that he should suffer what he had sworn to be permanent. And he also said that he would rather die than live under such conditions. And when proofs of all these charges were preferred against him, the *Franks*, *Bavarians*, *Lombards* and *Saxons*, and all those from other provinces, who had been assembled at that synod, remembering his former misdeeds and how he had deserted the lord King *Pepin* when on an expedition and had then committed what in the *Theodiscan* tongue is called "*Harisliz*," openly condemned this same *Tassilo* to death. But when they all with one voice acclaimed that he should

Part II.

other treasons, — condemned to death by the judgment of his Peers, the *Vassi* attending the Placitum.

dictus domnus *Carolus* piissimus Rex, motus misericordiâ ob amorem Dei, et quia consanguineus ejus erat, contenuit ab ipsis Dei ac suis fidelibus, ut non moriretur. Et interrogatus à jamfatto clementissimo domno Rege prædictus *Tassilo*, quid agere voluisset : ille vero postulavit, ut licentiam haberet sibi tonsorandi, et in monasterio introeundi, et pro tantis peccatis poenitentiam agendi, et ut suam salvaret animam. Similiter et filius ejus *Theodo* dijudicatus est, et tonsoratus, et in monasterio missus. Et pauci *Bajoarii*, qui in adversitate domni *Caroli* Regis perdurare volebant, missi sunt in exilio. (*Annales Loiseliani*, Bouquet, V. pp. 44–46.)

be stricken with the capital sentence, the aforesaid lord the most pious King *Charles*, moved with pity for the love of God and because he was related to him by blood, obtained from those faithful vassals of God and himself that he should not die. And when the aforesaid *Tassilo* was asked by the aforesaid most clement lord King what he wished to do, he asked that he should have permission to be shorn and to enter a monastery and do penance for his great sins, that he might also save his soul. In like manner also his son *Theodo* was condemned and was shorn and sent to a monastery. And a few of the *Bavarians*, who showed a desire to persevere in their opposition to the lord King *Charles*, were sent into exile. (*Annals of Lorsch.*)

(13.)

794.

Capitulare *Francofordiense* datum in plena synodo anno Christi dccxciv.

Tassilo humbly craves forgiveness for his treasons. Surrenders (by *Guerpition*) all the right and property which he, or his sons or his daughters, had or might have in the Dukedom.

Tassilo pardoned by *Charlemagne*, to the end that he might embrace the monastic life. Three writs made, containing this capitulum, one to be kept in the imperial palace, a second to be given to *Tassilo*, and a third kept in the chapel (see Part I., pp. 143, 144 &c.).

De *Tassilone* definitum est capitulum, qui dudum *Bajoariæ* Dux fuerat, sobrinus videlicet domni *Karoli* Regis. In medio sanctissimi adstitit concilii, veniam rogans pro commissis culpis, tam quas tempore domni *Pippini* Regis adversus eum et regnum *Francorum* commiserat, quam et quas postea sub tempore domni nostri piissimi *Karoli* Regis, in quibus fraudator fidei suæ extiterat, indulgentiam, ut ab eo mereretur accipere humili petitione visus est postulasse, dimittens videlicet puro animo iram atque omnem scandalum de parte sua, quæque in eo perpetrata fuissent, et sciebat, necnon omnem justitiam et res proprietatis, quantum illi aut filiis vel *filiabus* suis in ducatu *Bajoariorum* legitime pertinere debuerant, *gurpivit atque projecit*, et in postmodum

omni lite calcanda, sine ulla repetitione indulsit, et filios ac **Part II**
 filias suas in illius misericordia commendavit. Et idcirco
 Dominus noster misericordia motus præfato *Tassiloni* gra-
 tuito animo et culpas perpetratas indulsit, et gratiam suam
 pleniter concessit, et in sua eleemosyna eum in amore di-
 lectionis visus est suscepisse, ut securus de Dei misericordia
 existeret in antea. Unde tres breves ex hoc capitulo uno
 tenore conscriptos fieri præcepit, unum in *palatio retinendum*;
 alium præfato *Tassiloni*, ut secum haberet in monasterio,
 dandum; tertium vero in sacri palatii *capella* recondendum
 fieri iussit. (Baluze, I. p. 263.)

[The capitulary of *Frankfurt* given in full synod in the year
 of Our Lord, 794.

This capitulum was determined upon with regard to *Tassilo*,
 who had once been Duke of *Bavaria*, to wit a cousin of the
 lord King *Charles*. He stood in the midst of the most holy
 council, asking pardon for the faults he had committed, both
 those he had committed in the time of the lord King *Pepin*
 against him and the Kingdom of the *Franks*, as well as those
 he had committed later in the time of the lord *Charles*, our
 most pious King, faults in which he had been proved to be a
 breaker of his oath; and he openly made his humble petition
 that he should be deemed worthy to receive indulgence from
 him; and laying aside in all sincerity his resentment and all
 feeling of offence on his part, he fully recognized all the evil
 that he had done thereby, and he also *surrendered all the right*
and property, in so far as it rightly and lawfully appertained to
 him or his sons or his *daughters* in the duchy of *Bavaria*, and
 he made this surrender, renouncing any reclamation and repudi-
 ating for all future time any attempt at contestation thereof,
 and he commended his sons and his daughters to his pity.
 Wherefore our lord, moved with pity for the aforesaid *Tassilo*,
 of his own free will both pardoned the faults he had committed
 and fully accorded him his grace and of his charity openly
 greeted him with the embrace of love in order that for the
 future he might remain secure in God's pity. Wherefore he
 ordered three writs to be made containing this capitulum, all
 written in the same purport, one to be *retained* in the *palace*,
 another to be given to the aforesaid *Tassilo* that he might have
 it with him in the monastery; the third however he ordered to
 be laid up in the *chapel* of the holy palace.]

Part II.

(14.)

Duke of the Bavarians always to be chosen or appointed from the family of the Agilolfings. But he is to be faithful towards the Frankish sovereign, and prudent or wise in government.

I. De genealogia qui vocantur *Hosidra*, *Ozza*, *Sagana*, *Habilingua*, *Anniena*, isti sunt quasi primi post *Agilolfingos*,¹ qui sunt de genere ducali. Illis enim duplum honorem concedimus, et sic duplam compositionem accipiant.

II. *Agilolfingi* vero usque ad ducem in quadruplum componuntur, quia summi principes sunt inter vos.

III. Dux vero qui præest in populo, ille *semper* de genere *Agilolfingorum* fuit: et *debet esse*: quia sic Reges antecessores nostri concesserunt eis, *ut qui de genere illorum fidelis Regi erat et prudens, ipsum constituerent Ducem ad regendum populum illum*. (Lindenbrog, Lex Bajuvariorum, Tit. II. cap. xx. § 1, 2, 3.)

[I. Those who are descendants of the families called *Hosidra*, *Ozza*, *Sagana*, *Habilingua*, *Anniena* hold as it were the first place after the *Agilolfings*, who are of the ducal family. For to them we have granted a double honour and thus they shall receive a double composition.

II. The *Agilolfings* indeed, up to the Duke, receive a fourfold composition, as being the most exalted princes among you.

III. The Duke indeed who rules over the people was *always* of the family of the *Agilolfings* and *rightly* so, because the Kings, our predecessors, had granted them this privilege *that they would appoint a man of their family Duke, who was loyal to the King and wise in government, to rule over that people*. (Lindenbrog, Law of the Bavarians, Tit. II. cap. xx. §§ 1, 2, 3.)]

Si quis contra Ducem suum, quem *Rex ordinavit in provincia illa, aut populus sibi elegerit Ducem*, de morte ejus consiliatus fuerit, et exinde probatus negare non potest, in Ducis sit potestate, homo ille et vita illius: et res ejus infiscentur in publico.

(Lindenbrog, Lex Bajuvariorum, Tit. II. cap. i. § 1.)

[If any plot against the life of his Duke, whom *the King has appointed in that province, or the people have elected as their Duke*, and being brought to trial for it cannot deny it, that man and his life shall be in the power of the Duke; and his property shall be confiscated to public uses. (Lindenbrog, Law of the Bavarians, Tit. II. cap. i. § 1.)]

(15.)

Part II.

Wascones oppressi seu perdomiti, veniam et pacem petentes, promittunt se gloriæ et conspectui *Dagoberti* Regis præsentaturos, et suæ ditioni traditos, cuncta ab eodem injuncta impleturos.....Anno decimo quinto Regni *Dagoberti*, *Wascones* omnes seniores terræ illius cum *Aiginane* Duce ad *Dagobertum*, Clippiacum venerunt...ibique sacramentis *Wascones* firmantes simul et promittentes se omni tempore *Dagoberto* et filiis suis regnoque *Francorum* fideles fore: quod more solito, sicut sæpe fecerant, fefellerunt. (Chron. Fredegar., Bouquet, II. p. 443.)

635, 636.

Gascons take the oath of fealty to Dagobert.

[When the *Gascons* had been overcome and subdued, they came and asked for pardon and peace and promised that they would present themselves to the glorious presence of King *Dagobert* and submitting themselves to his rule, would perform all his commands.....In the fifteenth year of the reign of King *Dagobert*, all the *Gascon* leading men of that land together with Duke *Aiginan* came to *Dagobert* at Clichy and there the *Gascons* bound themselves with oaths and at the same time promised that they would always be loyal to *Dagobert* and his sons and the kingdom of the *Franks*; but this oath in their usual fashion, as they had often done before, they violated. (Chronicle of Frédégaire.)]

(16.)

Eodo Dux mortuus est. Quod cum audisset invictus princeps *Karolus*, adunato exercitu, *Ligerim* fluvium transiit, et usque *Garonnæ* et urbem *Burdegalensem*, et castra *Blavia* occupavit. Illamque regionem cepit et subjugavit, cum urbibus ac suburbanis eorum. Ducatúmque illum solita pietate *Hunaldo* filio *Eodonis* dedit, qui sibi et filiis suis, *Pippino* et *Karlomanno*, fidem promisit.

734, 735.

Upon the death of Eudes, Duke of the Aquitains, Charles Martel occupies the country, after which he grants the dukedom to Hunald, the son of Eudes, who takes the oath of fealty to Charles Martel, and his sons, Pepin and Carloman.

[Duke *Eudes* died. When the invincible prince *Charles* heard this, he collected an army and crossed the river *Loire*, and occupied the country as far as the *Garonne* and the town of *Bordeaux* and *Blaye*. And this region he captured and subjugated with all the cities and their territories. And with his usual benevolence he gave the Dukedom to *Hunald*, the son of *Eudes*, who promised fealty to him and to his sons, *Pepin* and *Carloman*.]

Part II.

744.

Hunaldus submits to the will of Pepin and Karloman, and confirms his engagement by oath [of fealty].

Pipinus et Karlomanus.....collecto exercitu, Ligerim transeunt et castra in finibus Aquitanice ponunt. Videns autem Hunaldus Dux, quod eis resistere non valeret, omnem voluntatem eorum se facere, sacramentis et obsidibus datis, spopondit, ipsumque cum omnibus quæ habebat invictorum principum servitio se mancipavit....Hunaldus corona capitis deposita, et monachi voto promisso, in monasterium quod Radis insula situm est intravit, filiumque suum Waiferium in principatu reliquit. (Ann. Mettenses, Bouquet, II. pp. 684, 687.)

[*Pepin and Carloman having collected an army, cross the Loire and place their camp in the province of Aquitaine. Duke Hunald however, seeing that he was not strong enough to withstand them, promised that he would do all they wished and would take oaths and give hostages, and he delivered himself up with all that he had to the service of the invincible princes....Hunald, taking the crown from off his head and taking the vows of a monk, entered the monastery which is situated in the island of Ré and left his son Waïfre as Duke. (Annals of Metz.)*]

(17.)

884.

Zwentibold becomes the Man or Homager of Charles le Gras, and takes the oath of fealty to him.

Ibi inter alia veniens Zwentibaldus Dux cum principalibus suis, homo, sicut mos est, per manus imperatoris efficitur, contestatus illi fidelitatem juramento, et usque dum Karolus vixisset nunquam in regnum suum hostili exercitu esset venturus. (Ann. Fuld., Bouquet, VIII. p. 49.)

[Amongst other events Duke *Zwentibold* came there with his chief men and became the *man* of the Emperor by placing his hands between the Emperor's hands, in accordance with the custom, and swearing fealty to him with an oath and that he would never, as long as *Charles* was alive, enter his Kingdom with a hostile army. (Annals of Fulda.)]

(18.)

837.

Neustria, &c. granted by Louis le Débonnaire to Charles le Chauve.

Post hæc adveniente atque annuente Ludovico et missis Pipini omnique populo qui præsentibus in Aquis palatio adesse jussi fuerant, dedit filio suo Karolo maximam Belgarum partem...deinde quicquid inter Mosam et Sequanam...Et de Burgundia...omnes videlicet Episcopatus,

Abbatias, Comitatus, fiscos, et omnia inter prædictos fines **Part II.**
 consistentia, cum omnibus ad se pertinentibus in quacunque
 regione consistent, sicque jubente imperatore, in sua præ-
 sentia Episcopi, Abbates, *Comites*, et *Vassalli dominici* in
 memoratis locis beneficia habentes, *Carolo* se *commenda-*
verunt et fidelitatem sacramento firmaverunt. (Ann. Bertin.,
 Bouquet, VI. p. 199.)

All the Bishops, Abbots,
 Counts, and royal vassals,
 perform homage to the
 new King, and take the
 oath of fealty.

[Afterwards, in the presence and with the consent of *Louis*, and of the envoys of *Pepin* and all the people who had been ordered to be present at the palace at *Aix*, he gave to his son *Charles*, a large part of *Belgium*...secondly whatever there was between the *Meuse* and the *Seine* &c....and as regards *Burgundy*...to wit all the Bishoprics, Abbeys, Earldoms, imperial revenues, and all properties that existed between the aforesaid boundaries and all that appertained to them in whatsoever district they existed: and at the command of the Emperor to that effect, in his presence, the Bishops, Abbots, *Counts* and *Vassals of the King*, who held benefices in the above-mentioned places, *commended* themselves to *Charles* and confirmed their *fealty* with an oath. (Annals of St. Bertin.)]

(19.)

Deinceps per totum reliquum diei tempus hominia fecerunt Consuli illo, qui feodati fuerant prius a *Karolo* Comite piissimo, suscipientes tunc feoda sua et officia et quæcunque obtinuerant antè.....Septimo idus Aprilis, feria quinta, iterum hominia facta sunt Comiti quæ hoc ordine suæ fidei et sêcuritatis termino consummata sunt. Primùm, hominia fecerunt ita. Comes requisivit si integrè vellet homo suus fieri; et ille respondit, *Volo*—et junctis manibus amplexatus a manibus comitis, osculo confœderati sunt; secundo loco, fidem dedit is, qui hominium fecerat, *Prolocutori*^a Comitis, in iis verbis. Spondeo in fide mea, fidelem fore amodo Comiti *Willielmo* et sibi hominium integraliter contra omnes observaturum, fide bonâ et sine dolo. Idemque super reliquias sanctorum tertio loco juravit. Deinde virgula, quam manu Consul tenebat, investituras dedit eis omnibus qui hoc pacto securitatem et hominium, simulque juramentum

1127.

Upon the inauguration of
 William the Norman, as
 Count of Flanders, all
 those who had been en-
 feoffed by his predecessor,
 Charles the Good, become
 his men, and perform
 homage, take the oath of
 fealty, and receive a new
 investiture of their fiefs,
 by the delivery of the rod.

^a The Chancellor.

Part II.

fecerant. (Vita Caroli Boni, Auctore Galberto, Recueil des Historiens, XII. p. 387.)

[Thereafter for the remainder of the day, those who had formerly been enfeoffed by the most pious Count *Charles*, did their homage to this Count, receiving from his hands their fiefs and offices and whatsoever they had formerly held. On Thursday, the seventh day of April, homages were again done to the Count and were completed on this basis of personal loyalty and suretyship. First of all they did their homage thus. The Count asked if he was willing to become entirely his man and the other answered, *I am willing*—and, with his hands joined and embraced by the Count's hands, they were covenanted with a kiss. In the second place, he who had performed the homage, declared his fealty to the Count's *Chancellor* in these words, "I promise in my fealty that I will be henceforward faithful to Count *William*, and observe fully my homage to him against all men, in good faith and without guile." And he swore this same oath in the third place over the relics of the saints. Then by means of the rod, which the Count held in his hand, he gave investiture to all those who on those terms had given their pledge and done homage, and had at the same time taken the oath. (Life of Charles the Good, by Galbert of Bruges.)]

IV.

FORMS OF VASSALAGE AND FEALTY.

(1.)

Oath of fealty taken before
the Missi, A.D. 802.

Sacramentale qualiter promitto ego, quod ab ipso die in antea fidelis sum domno *Karolo* piissimo Imperatori filio *Pippini* Regis et *Berthanæ* Reginae, pura mente absque fraude et malo ingenio de mea parte ad suam partem, et ad honorem regni sui, *sicut per drictum debet esse homo domino suo*. Sic me adjuvet Deus et ista sanctorum patrocinia, quæ in hoc loco sunt, quia diebus vitæ meæ per meam voluntatem, in quantum mihi Deus intellectum dederet, sic attendam et consentiam. (Baluze, I. p. 378.)

[By this oath I do hereby promise that from this day forward I will be faithful to *Charles*, the most pious Emperor,

son of King *Pepin* and Queen *Bertrada*, sincerely, without any Part II. deception or evil intent on my part towards him, and to the honour of his Kingdom, *just as a man is rightfully bound to be to his lord*. So may God help me and the protection of the Saints, who are in this place, as I pay heed and consent thereto all the days of my life by my own wish in so far as God shall give me understanding.]

(2.)

Sacramentum generale omnium fidelium. Sic promitto ego, quia de isto die in antea isti Seniori meo, quamdiu vixero, fidelis et obediens et adiutor quantumcunque plus et melius sciero et potuero, et consilio et auxilio secundum meum ministerium in omnibus ero absque fraude et malo ingenio, et absque ulla dolositate vel seductione seu deceptione, et absque respectu alicujus personæ, et neque per me, neque per missum, neque per litteras, sed neque per emissam, seu intromissam personam, vel quocunque modo ac significatione contra suum honorem et sanctæ ecclesiæ atque regni illi commissi quietem et tranquillitatem atque soliditatem machinabo vel machinanti consentiam; neque unquam aliquod scandalum movebo quod illius præsentis vel futura salutis contrarium vel nocivum esse possit. Sic me Deus adjuvet et ista sanctorum patrocinia. (Baluze, II. p. 226.)

Oath of fealty taken by the laity in the general Placitum apud Gundulfrivillam, 872.

[This is the general oath of all faithful men. I do hereby promise that from this day forward I will be faithful and obedient to this my lord, as long as I shall live, and will aid him so far as I can to the best of my knowledge and power, both by my counsel and help, according to my office in all things, without fraud and evil intent and without any guile, seduction, or deception and without respect of any person; and neither in my own person, nor by envoy nor by letter, neither by any person sent or introduced by me nor by any means or signification, will I contrive anything to do hurt to his honour or the peace and tranquillity and stability of Holy Church or the Kingdom entrusted to him, nor will I consent to anyone so contriving. Nor will I ever place any stumbling-block which could be contrary or harmful to his safety either in the present or the future. So may God help me and the protection of these Saints.]

Part II.

(3.)

Oath of fealty to be taken by the Vassal—from the book of Feuds.

Qualiter autem debeat jurare vasallus fidelitatem videamus—Jurare scilicet sic debet. Ego juro ad hæc sancti Dei evangelia, quod amodo in antea ero fidelis huic, *sicut debet esse vasallus domino* : nec id quod mihi sub nomine fidelitatis commiserit Dominus, pandam alii ad ejus detrimentum, me sciente. (Jus Feod. Longob. Lib. ii. Tit. 5.)

[Let us see however how a vassal ought to swear his fealty.—Thus indeed should he swear. “I do hereby swear by these gospels of the Holy God, that I will henceforward be faithful to this man *just as a vassal is bound to be to his lord*, nor will I disclose to another what my lord has entrusted to me under condition of fealty, to his hurt, in so far as I am aware of it.” (Law of Feuds of the Lombards, Book ii. Tit. 5.)]

(4.)

The Anglo-Saxon Hyld-oath, or “oath of obedience.”

Hu se Man sceal swerie. How the *Man* [or Vassal] shall swear.....I will be obedient and faithful to N. [ic wille beon N. hold and getriwe] and love all that he loves, and shun all that he shuns, according to the laws of God, and of the world, and never willingly, or by compulsion, in word or deed, do aught that is hateful to him; on condition that he keep me as I am willing to earn, and all that fulfil which was agreed upon between us, when I submitted to him, and chose his will. (Leges Anglo-Sax. p. 63.)¹

(5.)

Oath of fealty taken to Edmund, as settled in the Witenagemot at “Culestone.” (See pieces 1 and 3.)

Imprimis ut omnes jurent in nomine Domini pro quo sanctum illud sanctum² est, fidelitatem *Edmundo* Regi, *sicut homo debet esse fidelis domino suo*, sine omni controversia et seditione, in manifesto, in occulto, in amando quod amabit, nolendo quod nolet, et antequam juramentum hoc dabitur ut nemo concelet hoc in fratre vel proximo suo plusquam in extraneo. (Brompton, p. 859.)

[First that all men should swear in the name of God, in Whose sight that holy thing is sacred, fealty to King *Edmund*, *in such wise as a man ought to be faithful to his lord*, without questioning or dissent, in matters known or secret, in loving what he shall love, in refusing all that he shall refuse, and first

this oath shall be administered that no one should conceal this **Part II.**
in the case of a brother or relative any more than of a
foreigner. (John of Brompton, p. 859.)]

(6.)

Post alias unguendi, coronandi et regem inthronizandi
ceremonias, cuncti Proceres homagium faciunt; Archie-
piscopi et Episcopi genuflectentes; sic,

Homage and fealty as
anciently performed by
the ecclesiastical and tem-
poral Baronage on the
accession of a King of
England.

[After the other ceremonies of anointing, crowning and en-
throning the king, all the Peers do homage; the Archbishops
and Bishops bending the knee, thus]

.....I, *A, B.*, shall be faithfull, and true faith and troth
bear unto you, our Sovereign Lord, and to your heirs, Kings
of England: and I shall do and truly acknowledge the service
of the lands which I claim to hold of you, as in the right of
the Church, as God help me.

Quo facto sinistram Regis buccam deosculantur.—Pro-
ceres verò temporales hoc modo homagium faciunt.

[And when this has been done, they kiss the King's left
cheek.—The temporal Peers indeed do homage in this fashion:]

.....I, *N. N.*, become your liege man of life and lymme,
and of earthly worship; and faith and troth I shall bear unto
you, to live and dye against all manner of folk, so God me
help. (Spelman's Glossary, p. 296.)

(7.)

I become zour man, my Liege King, in land, lich, life
and lim, warldly honour, homage, fealty and lawty, against
all that live and die. Zour counsell conceiland, that ye
schaw me. The best counsel schawand, gif ye charge me,
your skaith or dishonour not to hear or see, bot I shall let
it at all my gudly power, and warne zow theirow. Swa helpe
me God. (Bishop Nicholson's Pref. to Wilkins, p. vii.)

Oath of fealty taken by
Scottish Barons to the
King.

(8.)

Devenio homo vester, de tenemento quod de vobis teneo
(vel aliter) quod de vobis teneo et tenere debeo; et fidem

English form of perform-
ing homage and fealty
according to Bracton.

Part II.

vobis portabo de vita et membris, et terreno honore, (secundum quosdam, vel aliter, secundum alios) de corpore et catallis et terreno honore, et fidem vobis portabo contra omnes gentes (qui vivere poterint et mori, secundum quosdam) salva fide debita domino Rege, et hæredibus suis. *Et statim post*, faciat domino suo sacramentum fidelitatis hoc modo :

Oath of fealty to be taken immediately after the homage.

Hoc audis, Domine *N.* quod fidem vobis portabo de vita et membris, corpore, et catallis, et terreno honore, sic me Deus adjuvet et hæc sancta Dei evangelia. (Bracton, Lib. II. Cap. 25, § 8.)

[I become your man in respect of the holding which I hold from you (or alternatively—which I hold and am bound to hold from you); and I will bear unto you faith of life and limb and earthly honour (thus according to some, but according to others—of body, chattels and earthly honour), and I will bear unto you faith against all peoples (that can live and die, according to some), saving the faith I owe to the lord King and to his heirs. *And immediately afterwards* he shall take the oath of fealty to his lord in this fashion :

Hear this, my Lord *N.* that I will bear you faith of life and limb, body, chattels and earthly honour, so help me God and these holy Gospels of God.]

(9.)

Modus faciendi homagium, usually, but erroneously, considered as a Statute of the 17 Ed. II.

Quant fraunk homme fra hommage a son Seignur, de qi il tient son chief mesuage, il tendra ses mains jointes par entre les mains son Seignur, et dirra issint—Jeo deveigne vostre homme de ceo jour en avaunt, de vie et de membre et de terrein honour, et foi vous porterei del tenement qe jeo clayme tenir de vous, sauve le foi qe jeo doi a nostre Seignur Roi.

Quant fraunk homme fra feauté, il tendra sa main destre outre le livre, et dirra issint—Ceo oiez vous monsieur *R.* qe jeo vous serrei foial et loial, et foy vous porterei des tene-mentz qe jeo clayme tenir de vous, et loialment vous conu-sterai et loialment vous ferrei les custumes et les services qe faire doie as termes assignez : si moy eide Dieux et les Seintz. (Stat. temp. incert. *Modus faciendi homagium.*)

[When a free man shall do his homage to his liege lord, from whom he holds his chief tenement, he shall put his hands joined

together between the hands of his lord and shall say these words: I become your man from this day forward, in life and limb and earthly honour, and I will bear unto you faith in respect of the holding which I claim to hold from you, saving the faith that I owe to our Lord the King. Part II.

When a free man shall do his fealty, he shall put his right hand on the book and shall say these words: Hear you this, *my Lord R.* that I will be faithful and loyal to you and will bear unto you faith in respect of the holdings which I claim to hold from you and will loyally acknowledge you and loyally perform to you the customs and the services which I am bound to do at the terms assigned: So help me God and the Saints. (Statute of uncertain date, How homage is done.)]

MILITARY ADOPTION—KNIGHTHOOD.

Du Cange supports the opinion, that the origin of Chivalry is to be sought in the ceremony of military adoption, deduced from the ancient Teutonic usage commemorated by Tacitus. (Hist. de St. Louis, Diss. XXII., Des adoptions d'honneur en fils, et, par occasion, de l'origine des Chevaleries, —also in his Glossary, *Arma.*) Some examples adduced by him are not exactly in point; but, on the whole, his arguments are convincing. The interesting and spirited, but fanciful St. Palaye, who has often substituted the visions of romance for the truth of history, seems rather to abandon this conclusion; but he has failed to observe, that Chivalry, like feudality, is a complex institution. The religious sentiment, the high wrought feeling of Gothic Knighthood, may have been derived from other sources; but the main feature of the military initiation is, indisputably, found in the investiture of the Teutonic youth. The best proof of this assertion will be given by the simple juxtaposition of a few examples selected from the annals of different realms and distant ages.

(1.)

Arma sumere non ante cuiquam moris, quam civitas sueffecturum probaverit: tum in ipso concilio, vel Principum aliquis, vel pater, vel propinquus, scuto frameaque juvenem

Military adoption.
Du Cange opposed to St. Palaye.
Arms given to the German youth in the Folk-moot, either by one of the nobles, or by his father or some near relation.

Part II.

armat: hæc apud illos toga, hic primus juventæ honos.
(Tacit. Germ. 13.)

[It is not usual for any one to wear arms till the state has declared him duly qualified: then in the Council (Folkmoor) either one of the Nobles or a father or a near relative arms the youth with a shield and a spear: this is their manly gown, this the first honour of their youth. (Tacitus, Germania, 13.)]

(2.)

Military adoption of the
King of the Heruli by
Theodoric of Verona.

Regi *Herulorum*, *Theodoricus* Rex.—Per arma fieri posse
filium grande inter gentes constat esse præconium, quia non
est dignus adoptari nisi qui fortissimus meretur agnosci....

Et ideo *more gentium* et conditione virili, filium te presenti
munere procreamus; ut competenter per arma nascaris filius.
Damus tibi equos, enses, clypeos, et reliqua instrumenta
bellorum; sed quæ sunt omnibus fortiora, largimur tibi nostra
indicia. (Cass. Var. IV. 2.)

[King *Theodoric* to the King of the *Heruli*: To be capable of
being made a son by military adoption, is admitted to be a
great commendation among these nations, because a man is not
worthy of adoption unless he has earned the reputation of being
considered very brave....

Wherefore in accordance with the *custom of the nations* and
thy manly estate we do create thee our son by this present
gift, in order that thou mayest be properly born a son by
military adoption. We do give to thee horses, swords, bucklers
and all the other instruments of war, but what are stronger
than all, we do bestow on thee the marks of our favour.
(Letters of Cassiodorus, IV. 2.)]

(3.)

791.

Louis le Débonnaire girt
with the sword, by his
father Charlemagne.

Interea anno hunc sequente, patri Regi Rex *Ludovicus*
Engleheim occurrit, inde *Renesburg* cum eo abiit. Ibique
ense, jam appellens adolescentiæ tempora, accinctus est.
(Vita Lud. Pii, Bouquet, VI. 89.)

[Meanwhile in the following year King *Louis* met his father
the King at *Engleheim* and went with him thence to *Regensburg*.
And there he was girt with the sword, as attaining to the age
of adolescence. (Life of Louis le Débonnaire.)]

(4.)

Part II.

Domnus Imperator filium suum *Karolum*, *armis virilibus*, id est, *ense cinxit*, corona regali caput insignivit, partemque regni quam homonymus ejus *Karolus* habuit, id est, *Neustriam* attribuit. Et præsentes quidem *Neustriæ* provinciæ primores *Karolo* manus dederunt, et *fidelitatem sacramento* obstrinxerunt: absentium autem quisque postea itidem fecit. (Vita Lud. Pii, p. 121.)

838. Charles le Chauve girt with the sword by his father, Louis le Débonnaire, preparatory to his obtaining the kingdom of Neustria. Oaths of fealty taken to him.

[The Lord Emperor girded his son *Charles* with manly arms, to wit, a sword, and he adorned his head with a royal crown and assigned to him a part of the Kingdom which *Charles* of the same name had, to wit *Neustria*. And indeed the leading men of the province of *Neustria* who were present gave their hands to *Charles* and bound themselves with an oath to be faithful to him: moreover all those who were absent did the same at a later date. (Life of Louis le Débonnaire, p. 121.)]

(5.)

Tunc jussu patris in testamento, *Athelstanus* in Regem acclamatus est, quem jam tricennalis ætas et sapientiæ maturitas commendabant. Nam et avus *Alfredus* prosperum ei regnum olim imprecatus fuerat, videns et gratiosè complexus speciei spectatæ puerum et gestuum elegantium, quem etiam prematurè *Militem* fecerat, donatum clamyde coccinea, gemmato baltheo, ense *Saxonico* cum vagina aurea. (Malm. de Gestis, ii. 6.)

Athelstane, when a boy, created a knight by Alfred his grandfather, who invests him with the robe, the sword, and the belt.

[Then by order of his father in his will, *Athelstan* was proclaimed King, for his age of thirty years and the ripeness of his wisdom highly commended him for the dignity. For his grandfather *Alfred* had a long time previously prayed for a prosperous reign for him, when he had seen and had graciously embraced a lad of such approved appearance and elegant manners. For he had also made him a *Knight* at a very early age, by presenting him with a scarlet robe, a jewelled belt and a *Saxon* sword with a golden sheath. (William of Malmesbury, Acts of the Kings, ii. 6.)]

(6.)

Here the King bare his crown, and held his court at Winchester at Easter; and so he travelled, that he was at Westminster at Whitsuntide; and he dubbed his son Henry a Knight here [and dubbade his sunu Henric to ridere thær]. (Sax. Chron.)

1086. Henry knighted by his father, William the Conqueror.

Part II.

(7.)

1178.

Geoffrey, Count of Brit-
tany, knighted by Hen. II.

Rex [*Henricus*] vero post Archiepiscopi recessum, *Gaufridum* filium suum Comitem *Britanniæ* militem fecit apud *Wodestokam*. (Benedictus Abbas, p. 266.)

[King [*Henry*] after the departure of the Archbishop, made his son, *Geoffrey*, Count of *Brittany*, a Knight at *Woodstock*. (Abbot Benedict, p. 266.)]

(8.)

1185.

John knighted by Hen. II.
preparatory to his being
appointed King of Ire-
land. (See piece 4.)

Et sic finito concilio, Dominus Rex venit usque *Windsor*, et Dominica media quadragesimæ quæ kalendis Aprilis evenit, honoravit *Johannem*, filium suum, armis militaribus, et statim misit eum in *Hyberniam*, et eum inde regem constituit. (Benedictus Abbas, 435.)

[And when this Council was thus ended, the King came to *Windsor*, and on Mid Lent Sunday, which fell on the 1st of April, he honoured his son *John* with knightly arms, and immediately sent him to *Ireland* and appointed him king there. (Abbot Benedict, p. 435.)]

LEGISLATION OF THE STATES COMPOSING THE FRANKISH EMPIRE.

(See Part I., Chap. XVII.)

Two modes of enactment in the legislative assemblies of the Frankish empire. The Sovereign might present the proposed law to the assembly: or it might result from his answer to the petitions presented to him, in a manner analogous to the practice of the Lower Empire (Part I., p. 279), and also to the practice of the Parliaments, States-General and Cortes, of the Middle Ages. (Part I., p. 302.)

In the legislative bodies which existed in the States composing the Frankish Empire, there were, as I have observed, two modes of enactment; the law might be transmitted by the Sovereign to the assembly; or, he might make his decree or constitution, upon the request or petition of the different ranks or orders, according to the practice of the Roman empire.

Of such legislation, pursuant to petitions presented by the clergy, there are two very remarkable and instructive examples. A "Conventus Populi" is held at Thionville, 821^a,

^a 821. Medio Octobri conventus publicus in *Theodonis villa* est celebratus.—(Vita Lud. Pii, p. 104.) [In the middle of October a public assembly was held in the town of *Thionville*. (Life of Louis le Débonnaire, p. 104.)] Medio mense Octobri conventus generalis apud *Theodonis villam* magnâ populi *Francorum* frequentiâ celebratur. (Eginhardi Annales, p. 181.) [In

and at the same time and place, the prelates of Gaul and Germany are assembled in synod. In the last mentioned Council it was decreed, that a humble supplication should be addressed to the Sovereign, praying for the infliction of additional punishments upon those who might assault or slay the clergy. A Capitulum enacted by Charlemagne had rendered such offenders liable to pecuniary penalties^a; but a late atrocious act, the assassination of a Gascon bishop, had shown that these were inadequate, and therefore the clergy prayed that heavy penances should be imposed. The murderer of the Bishop is to abstain from meat and wine during the whole of his life, to be excluded from the nuptial bed, and to put off, for ever, the belt and sword of chivalry. Proportionate penances are to protect the inferior orders of the hierarchy: the "*weres*" are increased by additional payments to the ecclesiastical superiors; and, upon the motion of the Archbishop of Mainz, the Bill was presented to the Sovereign and his *fideles* for their approval.

"*Petitio* Episcoporum."

In Concilio apud *Theodonis villam* ubi interfuerunt xxxii. Episcopi, *Aistolfus Magontiensis* Archiepiscopus, cum suis suffraganeis; *Hadabaldus, Coloniensis* Archiepiscopus, cum suis suffraganeis; *Hetto, Trevirensis* Archiepiscopus, cum suis suffraganeis; *Ebbo, Remensis* Archiepiscopus, cum suis suffraganeis; cum nuntiis reliquorum Episcoporum *Galliæ et Germaniæ*, ob nimiam præsumptionem quorundam tyrannorum in sacerdotes Domini bacchantium, et propter factum quod in *Wasconia* noviter acciderat de Episcopo *Johanne* inhonestè et inauditè mordridato, decretum est, ut communi consensu et humili devotione supplicaretur auribus Principis, si suæ pietati complaceret, ut calumnia in Christi sacerdotes peracta

821.

Proceedings of the Council of Thionville, the Prelates being convened concurrently with the Conventus Populi. A petition presented to the Sovereign, praying for the infliction of penalties and penances upon persons assaulting or slaying the Clergy.

the middle of the month of October a general assembly was held in the town of *Thionville* and a great crowd of the *Frankish* people were present. (Annals of Einhard, p. 181.)] The proceedings of the council, as now existing, do not show that it was held concurrently with this lay assembly. The clergy sought to disunite themselves as much as possible from the laity.

^a As "*Wites*" to the King,—or as "*Weres*" to the party or his kinsmen?—This point is uncertain. Fleury is of the latter opinion.—I have considered Louis le Débonnaire and Lothaire as constituting *one* Emperor.

Part II.

juxta synodalia determinaretur pleniter statuta, hoc idem Episcoporum judicio placeret, si ex toto secundum potestatem ipsorum posset definiri, id est, ut canonica ferirentur sententia; hi videlicet qui timorem Domini postponentes, in ministros suos grassare præsumerent. Quòd si verò pietati illius complaceret, juxta capitula regum præcedentium^a ubi eorum provisio misericorditer in offensis pecuniæ quantitatem interposuit, pro consolatione Sanctæ Ecclesiæ, ut præfata res per pecuniam ab imperatoribus sacerdotibus ad defensionem concessam, et per pœnitentiam determinarentur Episcoporum judicio si pietas illius conlaudare voluerit, sic definiri eis complaceret.

[“*Petition of the Bishops.*”]

In the Council at the town of *Thionville*, where were present thirty-two Bishops, *Aistulf*, Archbishop of *Mainz* and his suffragans; *Hadabald*, Archbishop of *Cologne* and his suffragans; *Hetto*, Archbishop of *Trèves* and his suffragans; *Ebbo*, Archbishop of *Rheims* and his suffragans, together with the nuncios of the remaining Bishops of *Gaul* and *Germany*; on account of the excessive presumption of some tyrants who raged against the priests of the Lord and on account of what had recently happened in *Gascony* to Bishop *John*, who had been shamefully murdered, a thing hitherto unheard of, it was resolved that they, with one consent and in humble loyalty, should make their prayer in the ears of the Sovereign, if it should so please his piety, that the trial of every offence committed against the priests of Christ should be conducted throughout in accordance with the synodal statutes. [It was further resolved that] this in particular commended itself to the judgment of the bishops, namely, if sentence might be pronounced entirely in accordance with the powers

^a Qui Subdiaconum occiderit, trecentos solidos componat; qui Diaconum, quadringentos; qui Presbyterum, sexcentos; qui Episcopum, nongentos; qui monachum, quadringentis solidis culpabilis judicetur. (Cap. Car. Magni, A.D. 803.)

[Whosoever shall kill a Subdeacon, let him pay a fine of three hundred shillings; he who shall kill a Deacon, let him pay a fine of four hundred shillings; he who shall kill a Priest, let him pay a fine of six hundred shillings; he who shall kill a Bishop, let him pay a fine of nine hundred shillings; he who shall kill a monk, let him be judged guilty with a fine of four hundred shillings. (Constitution of Charlemagne, A.D. 803.)]

they possessed, that is, that those should be smitten with canonical **Part II.** sentence, to wit, who making light of the fear of the Lord, presumed to attack his ministers. But if indeed it pleased the Sovereign's piety that the sentence in the aforesaid cases, following the constitutions of former kings in which the provision made did mercifully interpose for the satisfaction of Holy Church a money payment for offences, should be pronounced in the form of a fine, granted by emperors as a protection to priests, and of penance to be fixed by the judgment of the Bishops, if the Sovereign's piety approved of that course, it would approve itself to them that the sentence should be pronounced in that form.]

CAP. I.

Si quis subdiaconum calumniatus fuerit, vulneraverit, vel debilitaverit, et convaluerit, quinque quadragesimas sine subditis annis pœniteat, et trecentos solidos cum sua compositione et Episcopalibus bannis Episcopo componat. Si autem mortuus fuerit, singulas supradictas quadragesimas cum sequentibus annis pœniteat et quadringentos solidos cum tripla sua compositione et Episcopalibus bannis triplicibus Episcopo componat.

II.

Si Diaconum calumniatus fuerit et convaluerit, sex quadragesimas sine subditis annis pœniteat, et quadringentos solidos cum compositione sua et Episcopalibus bannis Episcopo componat. Si autem mortuus fuerit, singulas supra-

Chap. I.

[If any man assaults, wounds or maims a subdeacon who recovers, let him do penance for five Lents only and not in the remainder of the years, and let him compound with the Bishop for three hundred shillings added to his own composition and the Episcopal fine. But if the victim dies, let him do penance for each of the aforesaid Lents with the years that follow them and compound with the Bishop for four hundred shillings with thrice his own composition and threefold Episcopal fine.

II.

If any man assaults a Deacon and he recovers therefrom, let him do penance for six Lents without the years that follow and let him compound with the Bishop for four hundred shillings added to his own composition and the Episcopal fine.

Part II.

dictas sex quadragesimas cum sequentibus annis pœniteat et sexcentos solidos cum tripla sua compositione et Episcopalibus bannis triplicibus Episcopo componat.

III.

Si quis Presbyterum calumniatus fuerit et spassaverit, sex quadragesimas sine subditis annis pœniteat, et sexcentos solidos cum triplici sua compositione et Episcopalibus bannis triplicibus Episcopo componat. Si autem mortuus fuerit, duodecim annorum pœnitentia secundum canones ei imponatur, et nongentos solidos cum triplici compositione sua et Episcopalibus bannis triplicibus Episcopo componat.

IV.

Si quis Episcopo insidias posuerit, comprehenderit vel in aliquo dehonestaverit, decem quadragesimas cum subditis annis pœniteat, et Presbyteri occisi triplicem compositionem componat. Si autem casu et non sponte occiditur, cum comprovincialium Episcoporum consilio homicida pœniteat. Si quis autem sponte eum occiderit, carnem non comedat,

If however the victim dies, let him do penance for each of the aforesaid Lents with the years that follow them, and let him compound with the Bishop for six hundred shillings with thrice his own composition and threefold Episcopal fine.

III.

If any man assaults a Priest and he recovers, let him do penance for six Lents without the years that follow them, and let him compound with the Bishop for six hundred shillings added to thrice his own composition and threefold Episcopal fine. If however the victim dies, let penance of twelve years be imposed on him according to the Canons and let him compound with the Bishop for nine hundred shillings with thrice his own composition and threefold Episcopal fine.

IV.

If a man makes a plot against a Bishop, seizes him or dishonours him in any way, let him do penance for ten Lents with the years following and let him compound with three times the composition for killing a Priest. If however the victim is killed by mischance and not by intention, let him do penance for homicide in accordance with the decision of all

vinum non bibat omnibus diebus vitæ suæ, cingulum militare **Part II.** deponat, absque spe conjugii in perpetuo maneat.

Aistolfus Magontiensis Archiepiscopus dixit. Si Principibus placuerit aliisque suis fidelibus, rogemus ut conlaudetur et subscribatur. Et conlaudatum est et subscriptum, tam a Principe quàm a ceteris omnibus. (Baluze, I. pp. 624, 628.)

the Bishops of the province. But if he has purposely slain him, let him not eat flesh, nor drink wine all the days of his life, let him renounce knighthood and remain for ever without hope of wedlock.

Aistolf, Archbishop of *Mainz*, spake thus: "Let us ask that this, if it pleases the Sovereigns and the others their vassals, should be approved of and signed." And it was approved and signed both by the Sovereign and by all the others.]

The signature of the Sovereign and the Fideles, obtained as above mentioned, may have authenticated the document, but no confirmation was imparted; nor was any law enacted by the temporal authority until the following year. In the *Conventus* held at *Tribur*^a, the petitions of the prelates were considered, and, in part, affirmed: that is to say, five articles were constituted or decreed, nearly in the same words, but in a more abridged form; retaining the pecuniary penalties, but not incorporating all the clauses relating to the penances^b; and those who are familiar with our ancient English parliamentary proceedings will observe, that the constitutions of Louis le Débonnaire bear the same relation to the petition of the prelates, that our ancient Statutes generally do, to the petitions upon which they were founded. A sixth article is added by the Sovereign; the offender who despised the censure of the Church was to become incapable of holding a benefice,—his *allode* was to be seized. If he continued in contumacy during a year, his property became forfeited to the Fisc, and the culprit was kept in custody,

^a A royal palace on the Rhine, near Mainz.

^b Fleury says,—“les mêmes articles furent renouvelés quant aux amendes pécuniaires sans parler de pénitences.” (Hist. Eccl. X. 218.) [The same articles were renewed with regard to the pecuniary penalties without making mention of penance. (Hist. of the Church, X. 218.)]

Part II.

or doomed to exile, until he obeyed the ecclesiastical authority.

The question was then put to the assembly whether they were content with these constitutions. Their assent having been then given, the Sovereign and the greater part of the "Principes" of Gaul and Germany attested the act by subscribing their signs; Te Deum was sung, and the assembly was dissolved.

"Decretum Imperatorium post *petitionem* Episcoporum."

322.

Proceedings of the Conventus held at Tribur. The Sovereign and his Fideles give a qualified assent to the Petitions of the Clergy, by enacting constitutions of an import nearly equivalent to the canons.

Placuit nobis et fidelibus nostris, ut sicut ab Episcopis et reliquis sacerdotibus ac Dei servis alio anno apud *Theodonis villam* admoniti fuimus et rogati, ut Episcopi et eorum Ministri, quos Deus suo, non humano, iudicio reservavit, juxta sanctorum canonum sanctorumque patrum ac capitularium precedentium Regum coram positorum statuta, et Dei sacerdotes eorumque cooperatores, quorum intercessionibus, supplicationibus Sancta Dei Ecclesia constare videtur, intacti permaneant.

[The Imperial decree after the *petition* of the Bishops.

It has pleased us and our faithful vassals, that even as we were admonished and *petitioned* by the Bishops and the rest of the priests and the servants of God in the previous year at *Thionville*, that the Bishops and their Ministers, whom God has reserved for his own judgment and not for man's, and the priests of God and their adjutants, by whose supplications and intercessions the Holy Church of God is seen to be established, should remain inviolable in accordance with the precepts of the sacred canons and of the holy fathers and the statutes of the capitulars which were openly enacted by preceding Kings.]

I.

Constituimus ut si quis Subdiaconum calumniatus fuerit et convaluerit, pœnitentia canonica pœniteat, et trecentos solidos Episcopo componat. Et si mortuus fuerit, juxta id

I.

[We have enacted that if any man assaults a Subdeacon and the victim recovers, the assaulter shall do penance according to the canons, and compound with the Bishop for three hundred shillings. But if the victim dies, he shall do

quod canones præcipiunt pœniteat, et quadringentos solidos **Part II.**
Episcopo componat.

II.

Si Diaconum quis calumniatus fuerit et convaluerit, pœniteat secundum canones, et quadringentos solidos Episcopo componat. Si non convaluerit, juxta præcepta synodalia pœniteat, et sexcentos solidos Episcopo componat.

III.

Si Presbyterum quis malè tractaverit et spassaverit, secundum ejus Episcopi sententiam pœniteat, et nongentos solidos Episcopo componat. Si autem mortuus fuerit, ut synodus dijudicaverit pœniteat, et mille ducentos solidos Episcopo componat.

IV.

Et si quis Episcopo insidias posuerit, comprehenderit, vel in aliquo dehonestaverit, pœniteat secundum canonum statuta et Presbyteri occisi triplicem compositionem, cum justipenance according to the precepts of the Canons and compound with the Bishop for four hundred shillings.

II.

If any one assaults a Deacon and the victim recovers, the assaulter shall do penance according to the Canons, and compound with the Bishop for four hundred shillings. But if the victim does not recover, the assaulter shall do penance according to the precepts of the synod and compound with the Bishop for six hundred shillings.

III.

If any man illtreats a Priest and he recovers, the assaulter shall do penance according to the sentence of his Bishop and compound with the Bishop for nine hundred shillings. But if the victim dies, the assaulter shall do penance as the synod shall decide and compound with the Bishop for twelve hundred shillings.

IV.

If any man forms a plot against a Bishop, seizes him or dishonours him in any way, he shall do penance according to the statutes of the Canons and compound with three times

Part II.

tiis quæ in superiori capitulo scriptæ et confirmatæ esse videntur, componat.

V.

Si quis per industriam Episcopum occiderit, juxta id quod apud *Theodonis villam* à xxxii. Episcopis decretum est et quod ibi à nobis et à primatibus totius *Galliæ et Germaniæ* benigna conlaudatione conlaudatum est et subscriptum, pœniteat, et pecuniam a nobis concessam ecclesiæ viduatæ persolvat.

VI.

Et hoc de nostro adjecimus, ut si quis in his supradictis sanctorum canonum nostrique decreti sanctionibus Episcopis inobediens et contumax extiterit, primùm canonica sententia feriat, deinde in nostro regno beneficium non habeat, et alodis ejus in bannum mittatur; et si annum et diem in nostro banno permanserit ad fiscum nostrum redigatur et captus in exilium religetur, et ibi tam diu custodiatur et constringatur donec coactus, Deo et sanctæ ecclesiæ satisfaciat quod prius gratis facere noluerat.

the composition of a Priest who is killed, together with the penalties, which are written and confirmed in a former capitular.

V.

If any man purposely kills a Bishop, in accordance with what was decreed by thirty-two Bishops at the *town of Thionville* and what was there approved and subscribed with gracious approval by us and by the leading men of the whole of *Gaul and Germany*, the murderer shall do penance and pay to the bereaved Church the sum of money which has been conceded by us.

VI.

And this we on our part have added: that if any man shows disobedience or contumacy to the Bishops in these above-mentioned precepts of the holy canons and of our decree, he shall first be punished by the canonical sentence and shall hereafter have no benefice in our Kingdom and his allode shall be taken into our custody; and if it remains in our custody for a year and a day, it shall be forfeited to our Treasury and himself be seized and sent into exile and there be kept and restrained, until such time as he, under compulsion, shall satisfactorily perform to God and his holy Church what he formerly refused to do of his own free will.

Et si omnibus vobis ista complacuerint, dicite. Et tertio **Part II.** ab omnibus conclamatum est, *Placet!* Et imperatores et penè omnes *Gallicæ* et *Germaniæ* principes subscripserunt, singuli singulas facientes cruces. Et ecclesiasticus ordo Deo et principibus laudes referentes hymnum, *Te Deum laudamus*, decantabant. Et sic soluta est synodus. (Baluze, I. pp. 627, 630.)

And if these enactments meet with the approval of all of you, say ye so. And a third time all men cried aloud, "*We approve.*" And the Emperors and almost all the chiefs of *Gaul* and of *Germany* subscribed thereto, each making the sign of the cross. And the ecclesiastical order giving praises to God and to the Sovereigns, sang the hymn *Te Deum laudamus*. And thus the synod was dissolved.]

Thus, according to the constitution of the Frankish empire, the Clergy, powerful and influential as they were, could not give validity to their determinations, without the aid of the sovereign power.

The prelates assembled in the Council of Meaux, 845^a, adopted eighty canons, relating to ecclesiastical privileges: many had been already enacted, but they had never been enforced, or had fallen into desuetude. They were to be revived or renewed. As it will appear from the subsequent transactions, they could only become efficient laws, binding the laity, when confirmed by the Sovereign and the temporal legislature. They were presented to the general Conventus held at Épernay; and the result appears from the rubric or title prefixed to the Capitulary.

Hæc quæ sequuntur capitula excerpta sunt a Domno Rege *Karolo*, et Principibus ejus, ex his capitulis quæ anno 846 ediderunt Episcopi in synodis, *Wenilo* scilicet cum suffraganeis suis, *Guntboldus* cum suffraganeis suis, *Ursmarus* cum suffraganeis suis, *Hincmaro* cum suffraganeis suis, *Amalo* cum suffraganeis suis; et oblata sunt eidem Principi, sicut ipse jusserat, collecta ad relegendum in *Sparnaco*, villa *Remensis* ecclesiæ. Et quia factione quorundam motus est animus ipsius Regis contra Episcopos, dissidentibus Primoribus regni sui ab eorundem Episcoporum ammonitione,

^a Labbe, Concilia, VII. 813.

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et remotis ab eodem concilio Episcopis, ex omnibus illis capitulis hæc tantum observanda et complacenda sibi collegerunt, et Episcopis scripta tradiderunt, dicentes non amplius de eorum capitulis acceptasse quam ista, et ista se velle cum principe observare. (Baluze, II. p. 29.)

[The following capitulars were selected by the Lord King *Charles* and his Peers from those capitulars which the Bishops formulated in their synods held in the year 846, to wit, *Wenilo* and his suffragans, *Guntbold* and his suffragans, *Ursmar* and his suffragans, *Hincmar* and his suffragans, *Amolo* and his suffragans, and they, when arranged for further consideration, were presented to this same Sovereign, pursuant to his orders, at *Épernay*, a town of the Church of *Rheims*. And because the mind of the King himself had been influenced by a certain faction to oppose the Bishops, and the Peers of his Kingdom tried to dissuade him from hearkening to the admonition of these Bishops, who were in consequence excluded from this council, they collected out of all those capitulars these only for their observance and approval and handed them in writing to the Bishops, saying that they had accepted no more of their capitulars than these, and that they were willing to observe these together with the Sovereign.]

The Capitulary then states the titles of the Canons or Petitions which had been accepted, referring to the proceedings of the Council for their tenor, and inserts the whole of those which had been rejected. The feeling which the transaction excited, is strongly expressed in a contemporary chronicle; but there does not seem to be any doubt concerning the legality of the conduct pursued by the temporal authority^a.

^a *Carolus* apud villam Sancti *Remigii*, *Sparnacum* nomine, contra morem conventum populi sui generalem mense Junio habuit. In quo Episcoporum regni sui pernecessaria admonitio de causis ecclesiasticis ita flocci pensa est, ut vix unquam reverentia Pontificalis Christianorum duntaxat temporibus sic posthabita legatur. (Annales Bertiniani, Bouquet, VII. p. 64.)

[*Charles*, contrary to the usual custom, held a general assembly of his people in the month of June at a town of *St. Remi*, named *Épernay*. And in this assembly the very necessary admonition of the Bishops of his Kingdom with regard to ecclesiastical cases was treated as a matter of such

As the Clergy petitioned, so did the People. Thus was **Part II.** the Capitular, exempting the Clergy from military service, also enacted in the general assembly held at Worms.

Capitulare octavum anni dccciii. sive capitula de im-
munitate Episcoporum ac reliquorum sacerdotum ab expe-
ditionibus bellicis, data Wormatiæ in generali populi con-
ventu sub finem anni dccciii.

Capitulary of Worms enacted upon the petition of the "populus," 803.

De generali totius populi supplicatione apud Principem pro sacerdotum causa, ne in hostem aut pugnam pergerent, et quale eis omnibus ex hoc immineat periculum. Ex capitulis Domni Karoli Imperatoris Wormatiæ generaliter decretis, atque ab omnibus firmatis et cunctis pro lege tenendis contraditis.

[The eighth capitulary of the year 803, or the capitular which referred to the exemption of Bishops and other clergy from warlike expeditions, given in a general assembly of the people at Worms towards the close of the year 803.

Concerning the general petition of the whole people to the Sovereign on behalf of the priests, that they should not go against an enemy or into battle, and urging the magnitude of the peril which threatened all of them in consequence of this. From the capitulars of the Lord Emperor Charles decreed in general assembly at Worms, and unanimously confirmed and delivered to all men to be observed as laws.]

The people address their petition in very humble language:

Petitio populi ad Imperatorem.

Flexis omnes precamur poplitibus majestatem vestram, ut Episcopi deinceps, sicut hactenus, non vexentur hostibus. Sed quando vos nosque in hostem pergimus, ipsi propriis resideant in parrochiis, Deoque fideliter famulari studeant, et eorum sacrosancta ministeria canonicè et Deo placitè peragere satagant, atque pro vobis et cuncto exercitu vestro, unà cum omnibus sibi commissis orare viriliter, missasque cantare et letanias atque eleemosynas facere decertent. . . . Ut ergo hæc omnia a vobis et a nobis sive a successoribus

little importance that hardly anywhere is it recorded that reverence for the Episcopal office was so neglected, at least in Christian times. (Annals of St. Bertin.)]

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vestris et a nostris, futuris temporibus absque ulla dissimulatione conserventur, scriptis ecclesiasticis inserere jubete et inter vestra capitula interpolare præcipite.

[The petition of the people to the Emperor.

On bended knees we all beseech your majesty that henceforward the Bishops should not, as in the past, be harassed because of enemies. But that when you and all of us go forth against the enemy, they may abide in their own parishes and give heed to their faithful service of God and busily perform their sacred ministry according to the canons and in a manner pleasing to God, and vie in praying manfully for you and all your army, both they and all those entrusted to their care, and in singing masses and litanies and bestowing alms: . . . Therefore in order that all these observances might be faithfully kept by you and by us, or by your successors and by our successors, in the days to come, without any dissimulation, do ye give orders that they be inserted in the ecclesiastical writings and command that they be included among your capitulars.]

The Emperor gives his answer to the petition.

Concessio Domni Karoli Imperatoris ad suprascriptam petitionem.

Omnibus notum esse volumus quia non solum ea quæ super Episcoporum et Presbyterorum hostium vexationibus et præcibus pro nobis et vobis fieri rogastis concedere optamus, sed quicquid pro sanctæ Dei ecclesiæ et sacerdotum sive totius populi et vestra utilitate inveneritis concedere paratissimi sumus. Et modo ista, sicut petistis, concedimus. Et quando, vita comite, Deo auxiliante, ad generale placitum venerimus, sicut petistis, consultu omnium fidelium nostrorum scriptis firmare, nostris nostrorumque atque futuris temporibus inrefragabiliter manenda firmissimè Domino amminiculante cupimus. Modo ea quæ generalia sunt, et omnibus conveniunt ordinibus, statuere ac cunctis sanctæ Dei ecclesiæ nostrisque fidelibus ob Dei omnipotentis amorem et recordationem tradere parati sumus; et ad proximum synodalem nostrum conventum ac generale placitum ubi plures Episcopi et Comites convenerunt ista, sicut postulastis, firmabimus. (Baluze, I. p. 406.)

[The concession of the Lord Emperor Charles to the above petition.

It is our will that it be known to all that we choose to

concede all those petitions which you have made with regard to **Part II.** the vexatious burdens laid on Bishops and Priests in case of hostilities, and with regard to their prayers on our behalf and on your behalf; we are also most ready to grant whatever you may suggest, in so far as it conduces to the welfare of the holy Church of God and his priests or the welfare of the whole people and yourselves. And these petitions, that you have made, do we now grant. And when, if we are still alive and God is our aid, we shall come to the general assembly, we do most earnestly desire with God's help that, according to your request, in consultation with all our faithful vassals, these petitions be confirmed in writing, so that they shall remain inviolate for our time and for future times. We are now prepared to make statutory those provisions which are general and are suited to all ranks, and to grant them to all the faithful servants of the holy Church and to our faithful vassals for the love and remembrance of Almighty God; and at the next of our synodal assemblies and at the general assembly, at which the majority of the Bishops and Counts are present, we will confirm these your demands.]

These documents are followed by the "Capitula," framed upon the petition of the people. The whole proceeding deserves much attention. The principle is exactly that which prevailed in the old English Parliament,—the People ask,—the King assents, with the advice of his Council.

These examples possess great interest, because they stand midway between the Petitions and Postulations of the provincial assemblies of the Roman empire, and the equivalent proceedings in the legislative or remedial assemblies of the middle ages. In all these, we find exactly the same form.—In the States-General of France, the Cahier is presented to the Sovereign. In the Cortes of Castille, the law is obtained upon the Prayer of the members^a; and in England, as it is

Importance of these examples in connecting the legislation of the Roman empire with the proceedings of the Parliaments, &c. of the middle ages. (Part I., p. 302.)

^a An extract from the Quaderno of the Cortes, held at Medina del Campo, 1303, will show the ordinary course of legislation in the Peninsula.

Sepan quantos este Quaderno vieren, como Nos D. FERNANDO por la gracia de Dios, Rey de *Castiella*, de *Toledo*, de *Leon*, de *Galicia*, de *Sevilla*, de *Cordova*, de *Murcia*, de *Jaen*, del *Algarve*, è Sennor de *Molina*; estando en las Cortes, que agora ficimos en Medina del Campo, seyendo y conmigo la Reyna Donna *Maria*

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hardly necessary to mention, the Petition presented to the King is, very few cases excepted, the foundation of the statute or law.

mi Madre è el Infante D. *Johan* mi Tio, è mis Hermanos el Infante D. *Pedro*, è el Infante D. *Felipe*, è D. *Gonzalo* Arzobispo de *Toledo*, è D. *Alfonso* Obispo de *Astorga*, è D. *Alfonso* Obispo de *Coria*, è D. *Johan Nunnes* mi Adelantado Mayor en la frontera, è D. *Pedro Ponce* mi Mayordomo Mayor, è D. *Garcia Lopez*, Maestre de *Calatrava*, è otros Ricos-Omes, è Abades, è Omes de Ordenes, è Infantes, è Cavalleros, è otros omes bonos de los Regnos de *Castiella* è de *Leon*, è de las *Estremaduras*, è del Regno de *Toledo*: Los Cavalleros, è los omes bonos que vinieron a estas Cortes por Personeros de los Conceios de las Cidades, è de las villas de las *Estremaduras*, è del Regno de *Toledo*, veyendo que era servicio de Dios, è prò de toda la tierra, pidieron Nos estas cosas, que aqui son dichas. E Nos vistas las cosas que nos piederon, libramosgelo en esta guisa.

I. Primeramente à lo que Nos pidieron que rescivien muchos agraviamientos de Infantes, è de Ricos-Omes, è de otros omes poderosos, lo uno que les tomaban yantares; è lo al, que pleyteaban los Logares por quantias ciertas de dineros, è que les tomaban lo que les fallaban: Tenemos por bien quanto en lo pasado de lo saber, è facerlo enmendar. (From the edition of Asso y del Rio, pp. 18, 19.)

[Be it known to such as read this minute that we, Don FERDINAND, by the grace of God, King of *Castile*, *Toledo*, *Leon*, *Galicia*, *Seville*, *Cordova*, *Murcia*, *Jaen*, *Algarve* and Lord of *Molina*; being in the Cortes which we are now holding at Medina del Campo, Queen Donna *Maria*, my mother, being with me and Prince *John*, my Uncle, and my brothers, Princes Don *Pedro* and Don *Felipe*, and Don *Gonzalo*, Archbishop of *Toledo* and Don *Alfonso*, Bishop of *Astorga* and Don *Alfonso*, Bishop of *Coria* and Don *John Nunnes*, governor-in-chief of my Marches, and Don *Pedro Ponce*, my chief Master of the Household, and Don *Garcia Lopez*, Master of *Calatrava* and other Notabilities and Abbots and members of orders and Princes and Nobles and other good men of the Kingdoms of *Castile* and of *Leon*, of the *Estremaduras* and of the Kingdom of *Toledo*: the noblemen and the good men that came to these Cortes as deputies of Town Councils and of the towns of the *Estremaduras*, and of the kingdom of *Toledo*, seeing that it was in God's service and for the good of the whole country, petitioned us

It will perhaps be said, that I lay too much stress upon a few isolated examples. To this I reply,—

I. It must not be supposed that in the Capitularies, as they appear in the pages of Baluze, we have the whole, or any thing approaching to the whole, of the statutes enacted by the Carlovingian legislature. It was the object of the transcriber merely to preserve such matter as was required for ordinary use in the Mallum, or in the Conventus, or in the Synod. The greatest number of the capitulars stand without any *introduction* or *recital* of previous proceedings. These were not required in practice. It was sufficient to furnish an authentic copy of the mandatory part of the law. The Petition or Suggestion which gave rise to the “constitution,” was of as little importance to the Chancellors and Notaries of the empire, as the votes of the Commons are to the practitioner of the present day, after the Bill has gone through both Houses and obtained the royal assent, and appears in the statutes at large. It may be conjectured that, if we possess the *details* concerning the capitulars of Tibur and Epernay, it was because *they* were exceptions to the general course. A rejection, or even a modification, of the requests preferred by the Clergy, would be a matter of rare occurrence. And the same indignation which prompted the monk to exclaim against the affront offered to the prelates, would equally dictate the special record of these injurious transactions. With respect to the petition presented by the “Populus” in the Conventus at Worms, we probably owe the preservation of this most important document to the Clergy’s wish that their immunities should appear to be secured, not at their own request, but by the good will and seeking of the laity; or, if this supposition be considered as untenable, we may suppose that the

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Objections to the deductions drawn from the foregoing examples.
Answers to such objections.

Frequent practice of the ancient transcribers to omit the formal or introductory parts of legislative proceedings, as being of no practical use.

anent these matters here said. And we having gone through these petitions, accord them as follows:

I. Firstly anent their having much to complain of in the treatment meted out to them by Princes, Notabilities and other powerful men, for one thing that they took taxes from them, and then that, suing certain places for certain sums, they took what they wanted from them: We decree that as far as possible enquiry be made and remedy applied. (From the edition of Asso y del Rio, pp. 18, 19.)]

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petition was retained merely by the accidental diligence of the compiler. Instead of commencing "*Volumus ut nullus sacerdos in hostem pergat*" [It is our will that no priest take the field against the enemy], he began his copy from the top of the page, and inserted the whole of the act which he had before him.

Legislation upon petition,
not the only mode.

II. It will be recollected, that "legislation upon Petition" was only one of the modes of enactment, and, possibly, the mode least often called into action. The greater share of legislation belonged to the Sovereign; and, in the reign of Charlemagne, he would generally anticipate his subjects in discovering causes for the amendment of the law. Therefore, this is not a case in which the paucity of examples should lead us to consider the practice as out of the settled constitutional course: it might be unusual, but it was not, therefore, extraordinary.

Paucity of early examples
of legislation upon petition,
compensated by the
universality of the practice
at a later period.

III. Such paucity of early examples is amply compensated by the universality of the practice in a subsequent period. As I have before observed (Part I., p. 302), had not this mode of legislating proceeded from a common source, it is hardly possible to account for the general uniformity which we find in the several members of the Roman Empire.

LEGISLATION OF THE DEPENDENT NATIONS.

The main principle of this legislation is enounced in the celebrated Edict apud Pistas, A.D. 864, *Lex consensu populi fit, et constitutione Regis* (Baluze, II. 178) [The law is made by the people's consent and the King's constitution].

Legislation of the dependent nations — how exercised in the Mallum before the Missi or Royal commissioners.
(See Part I., pp. 90, 91.)

The "Constitution" of the King, which he had framed by the advice of his Fideles, was transmitted by the Missi to the people in the Mallum. This assembly was composed of the Bishops and Abbots, or their Visdames, the Comites, the great Landlords, and the King's Vassi, and the Scabini representing the several Pagi of which the land was composed; and, in some parts of the empire, these same functionaries were equally the representatives of the municipal communities. The prelates, such as were the King's Vassi, attended by virtue of a special writ of summons: the Vassi of the Count followed their Senior: the Scabini were elected;

and the acceptance of the capitular by the Mallum rendered **Part II.** it a law. All these particulars appear so clearly from the following texts, as not to require any further corroboration or argument^a.

Vult dominus Imperator ut in tale placitum quale ille Twelve Scabini to attend each Comes to the Placitum. nunc jusserit, veniat unusquisque Comes, et adducat secum duodecim Scabinos, si tanti fuerint. Sin autem, de melioribus hominibus illius comitatus suppleat numerum duodenarium^b. (Cap. Lud. Pii, addita ad Legem Salicam, II. 2, A.D. 819.—Baluze, p. 606.)

[It is the will of the Lord Emperor that every Count should come to such an Assembly as he has now ordered, and bring with him twelve Scabini, if so many are available. If not however, let him make up the number to twelve from among the better men of his County. (Capitulum of Louis le Débonnaire, added to the Salic Law, II. 2, A.D. 819.)]

^a For the writs of summons, see I. 1, 2, 3, pp. 812–815. It is probable that the composition of the Mallum would be varied by local customs. In a Lombard Mallum, 877, the Scabini and Notarii of two cities are noticed as members. (Agobardi Opp., App. p. 135.—See also II. 1, 2, pp. 820–822 and p. 271.)

^b In a subsequent law, three or four of the principal Scabini are said to be sufficient.

Itaque volumus ut medio mense Maio convenient iidem Missi, unusquisque in sua legatione, cum omnibus Episcopis, Abbatibus, Comitibus, ac Vassis nostris, advocatis nostris, ac Vicedominis Abbatissarum, necnon et eorum qui propter aliquam inevitabilem necessitatem ipsi venire non possunt, ad locum unum. Et si necesse fuerit, propter opportunitatem conveniendi, in duobus vel tribus locis, vel maxime propter pauperes populi, idem conventus habeatur, qui omnibus congruat. Et habeat unusquisque Comes Vicarios et Centenarios suos: necnon et de primis Scabineis suis tres aut quatuor. (Cap. A.D. 823, § 28, Baluze, I. pp. 642, 643.)

[Accordingly it is our will that in the middle of the month of May, the same Missi, each in his legation, together with all the Bishops, Abbots, Counts, and all our Vassals, our advocates, and Proctors of Abbesses and of those also, who for some unavoidable necessity are not able to come, should assemble in one place. And if necessary for the convenience of assembling, let this meeting be held in two or three places or more particu-

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Scabini elected by the
people.

Ut Missi nostri ubicunque malos Scabineos inveniunt, eiciant, et totius populi consensu loco eorum bonos eligant. Et cum electi fuerint, jurare faciant ut scienter injustè judicare non debeant. (Cap. Wormatiense, A.D. 829, II. 2.)

[That our Missi wherever they find bad Scabini, eject them from their office and with the approval of the whole of the people elect good ones in their stead. And when they have been elected, make them swear that they would not wittingly pronounce unjust judgments. (Cap. of Worms, A.D. 829, II. 2.)]

Capitula framed by the
Sovereign with the ad-
vice of this Council.

Volumus etiam ut capitula quæ nunc et alio tempore *consultu nostrorum fidelium* à nobis constituta sunt, à Cancellario nostro, Archiepiscopi et Comites eorum, de propriis civitatibus modo, aut per se aut per suos Missos accipiant: et unusquisque per suam diocesim ceteris Episcopis, Abbatibus, Comitibus, et aliis fidelibus nostris ea transcribi faciant, et in suis Comitatus coram omnibus relegant, ut cunctis nostra ordinatio et voluntas nota fieri possit. (Cap. Lud. Pii, A.D. 823, § 24, Baluze, I. p. 640.)

[It is also our will that the capitulars, which now and at any other time have been enacted by us in *consultation with our faithful vassals*, should be received from our Chancellor, by the Archbishops and their Counts, in respect only of their own towns, either in person or at the hands of their Missi; and each several one throughout his diocese shall cause them to be copied for the rest of the Bishops, Abbots, Counts and others our faithful vassals, and to be read aloud in their Counties in the presence of all, so that our ordinance and will may be made known to all. (Cap. of Louis le Débonnaire, A.D. 823, § 24.)]

Assent of the People re-
quired by the Capitula.

Ut populus interrogetur de capitulis quæ in lege noviter addita sunt. Et postquam omnes consenserint, subscrip-

larly in a place which is suited to all, on account of the poor among the people. And let each Count have with him his Vicars and Centenaries; and also three or four men chosen from the principal Scabini. (Capitulum of 823, § 28.)]

It is impossible to explain the causes of these minute variations, nor are they of any consequence, since they do not affect the main principle.

tiones et manufirmationes suas in ipsis capitulis faciant. **Part II.**
(Cap. III. A.D. 803, § 19.)

[So that the people may be questioned concerning the capitulars which have newly been added in the law. And after all have given their consent, that they might make their subscriptions and confirmations of their own hands on these capitulars. (Cap. III. A.D. 803, § 19.)]

Incipiunt capitula quæ in lege Salica Dominus Augustus ^{803.}
Karolus, anno ab Incarnatione Domini nostri, Jesu Christi, <sup>Example of the promul-
gation of a law in the
Mallum of the Franks
held at Paris.
(See Part I., p. 91.)</sup>
803, imperii vero sui anno tertio præponendo addere jussit.
Hæc sunt capitula quæ Dominus *Karolus Magnus* Im-
perator jussit scribere in consilio suo et jussit eas ponere inter
alias leges. . . Anno tertio clementissimi Domni nostri *Karoli*
Augusti, sub ipso anno, hæc facta capitula sunt, et con-
signata *Stephano* Comiti ut hæc manifesta faceret in civitate
Parisiis mallo publico, et illa legere faceret coram *Scabineis*,
quod ita et fecit. Et omnes in uno consenserunt quod ipsi
voluissent omni tempore observare usque in posterum. Etiam
omnes *Scabinei*, *Episcopi*, *Abbates*, *Comites*, manu propria
subter signaverunt. (Baluze, I. pp. 390, 391.)

Capitulum read before the
Scabini.

[Here begin the capitulars which the Lord Emperor *Charles* in the year of Our Lord Jesus Christ's Incarnation 803 and in the third year of his imperial rule did order to be added and prefixed to the Salic law.

These are the capitulars which the Lord Emperor *Charles the Great* ordered to be written in his *Council* and to be placed among the other laws. . . . In the third year of our most clement Lord *Charles the Emperor*, in that very year, these capitulars were made and consigned to Count *Stephen* in order that he might cause them to be made public in the city of Paris in the public mallum and cause them to be read in the presence of the *Scabini*. And this he did. And they with one consent expressed their willingness to observe them for ever in future. Also all the *Scabini*, *Bishops*, *Abbots*, and *Counts* subscribed thereto with their own hands.]

We can have little doubt but that such a promulgation and enactment took place in each of the Assemblies, however they might be designated, of the different dependent nations. That few notices of the actual acceptance of capitularies

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(See above, p. 799.)

are preserved, may be accounted for, by recollecting that there was no central repository or record office into which the writs were *returned*, after the capitular had been confirmed by the people, and that, as I have before observed, the transcribers always sought brevity. They consulted the convenience of their contemporaries, and not the curiosity of posterity. One example of such abridgement can be distinctly pointed out. In the Capitular of Thionville, A.D. 820, Louis le Débonnaire declares, "generaliter omnes admonemus ut capitula quæ præterito anno legi Salicæ per *omnium consensum* addenda esse censuimus, jam non ulterius *capitula*, sed tantum *lex* dicantur, immo pro lege teneantur." (Baluze, I. 623.) [we do admonish at large all men that the capitulars which we have by *general consent* decided in the past year should be added to the Salic law, should no longer be called *capitulars* but the *law* only, nay rather that they should be considered as the law]. Now the Capitula alluded to are those entitled "De Interpretatione Legis Salicæ" [Concerning the interpretation of the Salic Law], or the "Capitulare tertium anni 819" (Baluze, II. 607) [Third Capitular of the year 819]. In these, as they now exist, there is no notice of the assent of the Franks or Salians, the facts being only collected from the subsequent recital.

Conventions of the dependent nations held in the presence of the Sovereign.

The same conventions which took place before the Missi, the representatives of the Monarch, could, of course, be held before the Sovereign himself. When the law was to be accepted by the Franks or Salians, this may have been often the case,—more seldom, probably, with the other nations. But the Capitulare Saxonum was thus enacted at Aix la Chapelle, A.D. 797.

797.

Conventus of Aix la Chapelle. Saxons assent to certain Capitulars.

Anno ab Incarnatione Domini nostri Jesu Christi dcccxvii. regnante Domno *Karolo* præcellentissimo Rege, convenientibus in unum Aquis palatio, in ejus obsequio venerabilibus Episcopis et Abbatibus, seu illustribus viris Comitibus, v. *Kalendas* Novembris, simulque congregatis *Saxonibus de diversis pagis*, tam de *Vestfalahis* et *Angrariis*, quàm et de *Oostfalahis*, omnes unanimiter consenserunt et aptificaverunt ut de illis capitulis pro quibus Franci, si Regis bannum transgressi sunt, solidos sexaginta componunt, similiter Saxones solvent, si alicubi contra ipsos bannos fecerint. (Baluze, I. p. 275.)

Saxons appearing from and for the several Pagi.

[In the year 797 of the Incarnation of Our Lord, Jesus **Part II.** Christ, the most excellent Lord King *Charles* being on the throne, when the venerable Bishops and Abbots and those illustrious men, the Counts, assembled together at his bidding in his palace at Aix on the 28th of October, and with them were assembled *Saxons from the several pagi*, both from *Westphalia* and *Angraria* and also from *Ostphalia*, they all unanimously consented and approved that the Saxons, in respect of those capitulars, for which the Franks, if they had transgressed the King's Ban, pay a fine of sixty shillings, should pay a like sum, if at any time they likewise were contumacious with regard to bans.]

In the fifth chapter "De compositione secundum legem Saxonum" [Concerning the payment of fines according to the Saxon law], the assent of the Saxons only is expressed,— "placuit omnibus Saxonibus" [all the Saxons assented]. The tenth, "de banno augendo" [concerning the increase of the ban], provides that the king may increase the Fyrdwite "una cum consensu *Francorum* et fidelium *Saxonum*" [with the consent of the *Franks* and the faithful *Saxons*]. It is hardly necessary to observe, that the Saxons of *Westphalia*, *Ostphalia*, and *Angria*, or *Engern*, could only appear by deputation at Aix la Chapelle; and it probably mattered little whether these deputies were the hereditary Aldermen of the *Pagi*, or the elected *Scabini*.

Thus convened, the People also might petition, either for new laws, or for the confirmation of those which existed. This is shown by the seventeen "*Liodkesta*" of the ancient Frisic code. I add the first petition in the Latin as well as in the Frisic text^a, without attempting to decide which is the original.

Petitio I. Hec est prima petitio et *Karoli* Regis concessio omnibus Frisonibus, quod universi rebus propriis utantur, quamdiu non demeruerunt possidere.

[1st Petition. This is the first petition and concession of

^a Wiarda's invaluable edition of the "*Asega Buch*," p. 12. The learned editor derives *Kest* from *Keasa* (Frisic), *Keosa* (Isl.), *Cēosan* (A.S.), softened, in modern English, into "*choose*." The *Liodkest* is the law chosen by the people, and then presented to the sovereign.

Part II.

King *Charles* to all the Frisians, that all men enjoy the use of their own property, as long as they have not forfeited the right of possession.]

Thet is thiū forme Liodkest and thes Kyning Kerles ieft and Londriuch allera Frisona, thet allera monna ek an sine gode bisitte alsa longe sa hit unforwrocht hebbe.

[This is the first choice of the nation and the grant of King *Charles* and common law of all Frisians, that of all men each should possess his property, so long as he holds it without forfeit.]

Legislation, how exercised by the dependent Sovereigns.

Legislation was exercised by the dependent chieftains, as appears from the Decrees enacted by *Tassilo*.

772.
Tassilo's enactment.

Regnante in perpetuum Domino nostro Jesu Christo, in anno vero xxii. regni religiosissimi Ducis *Tassilonis* gentis *Baioarrorum*, sub die consulum, quod erat ii. id. Octobr. atque anno ab Incarnatione Dominica dclxxii., Indict. x., divina perflatus inspiratione, ut omne regni sui prænotatus Princeps collegium procerum coadunaret, in villam publicam *Dingolvingam* nuncupatam, &c. (*Lindenbrog*, p. 439.)

[In the everlasting reign of our Lord Jesus Christ, to wit in the twenty-second year of the reign of the most religious *Tassilo*, Duke of the people of the *Bavarians*, on the date which was on the 14th day of October, and in the year of Our Lord's Incarnation 772, in the tenth Indiction, the above-mentioned Sovereign, divinely inspired, did order that the whole assembly of the Peers of his Kingdom should meet together at the ducal town which is named *Dingolving* &c. (*Lindenbrog*, p. 439.)]

This enactment is principally directed against the ancient superstitions, or heathenish practices, prevailing amongst the *Bavarians*.

Legislation under the third race. Examples thereof,—1185, *Assize* of *Geoffrey Plantagenet*, Duke of *Brittany*.—1212, *Establishment* of *Blanche*, Countess of *Troyes*. (See below, pp. 824 and 827.)

Under the third race, the legislation heretofore exercised by the dependent nations in the *Mallum* reappears. It is now vested in the *States* of the feudal dependencies. Such is *Geoffrey Plantagenet's Assize*, enacted upon the *Petition* of his Bishops and Barons, and altering the canon of succession in the Fiefs of *Armorica* (III. 1), a document of great importance, both in itself, and as elucidating the progress

of the English law. Of the same nature and class is the **Part II.** Ordinance of the Countess of Troyes, or Champagne (III. 2). Upon these documents I shall only observe, that they may be considered in some measure as the counterparts of Tassilo's statute.

In the County of Toulouse, the constitutional members of the States or Parliament are enumerated in the preambles of the ordinances of Simon de Montfort (1212), and of Raymond Berenger (1233). In neither of these are the representatives of the towns expressly mentioned, but they are implied in both, and they appear by name in the Council convened before the Papal Legate (IV. 3), at the time when Raymond, the reconciled heretic, had just been recalled to his authority, but which was evidently the usual legislature of the country. In the domain of the King of France we find (1262) a representation of the Burgesses by twelve Jurats^a, evidently deduced either from the ancient duodenary courts in general, or from the institution of the Scabini; and this was probably not a solitary instance, but the usual practice, though unnoticed in the other ordinances. The omission of the enacting parts of the monuments of ancient legislation is a fact recurring at every stage of these inquiries. In the *Latin* copy of the Ordinances of Pamiers, first published by Martène, the Benedictine, the preamble is omitted,

Estates of the County of Toulouse. Simon de Montfort's Parliament.

1262.
Ordinance of Chartres confirmed by Twelve Burgesses—a representation deduced, either from the ancient duodenary Courts (see Cap. III.) or from the attendance of the Scabini.

^a Three from Paris, three from Provins, two from Orleans, two from Sens, and two from Laon.

Facta fuit hæc ordinatio *Carnoti*, Anno Dom. 1262, &c.... cui faciendæ interfuerant jurati *Clemens de Visilia*, *Joannes dictus Rigidus*, *Johannes Herman*, Cives *Parisienses*; *Nicholaus de Castello*, *Guarinus Fernet*, *Jacobus Fris*, Burgenses *Pruvinienses*; *Johannes de Lori*, *Stephanus Morin*, Cives *Aurelianenses*; *Erardus Malori*, *Johannes Parergini*, Cives *Senonenses*; *Robaille de Claustro*, *Petrus de Moncellis*, Cives *Laudunenses*. (Ordinances, I. 94.)

[This ordinance was made at Chartres in the year of our Lord 1262 &c. and at its making there were present the Jurats, *Clement de Vézelay*, *Jean*, surnamed *Roide*, *Jean Herman*, citizens of Paris; *Nicolas de Castell*, *Guarin Fernet*, *Jacques Fris*, Burghers of Provins; *Jean de Lori*, *Étienne Morin*, Citizens of Orleans; *Erard Malory*, *Jean Parergini*, Citizens of Sens; *Robaille de Claustro*, *Pierre de Manselles*, Citizens of Laon. (Ordinances, I. 94.)]

Part II.

(See below, p. 829.)

Estates of the Séné-
chaussée of Carcassonne,
deduced from the Mallum
of the Carlovingian Em-
pire.
(pp. 834, &c.)

1254.

(pp. 832, 833.)

Statute grounded upon
the Petition of the People,
—a Liodkest.

Opinions concerning the
absence of a central legis-
lative power in the French
Monarchy, erroneous in
their tendency, the writers
holding such opinions not
having adverted to the
powers possessed by the
Legislatures of the several
dominions known by the
collective name of France.

and there is no notice whatever of the Parliament. For anything that appears to the contrary on the face of that copy, the Ordinances were made by the uncontrolled authority of Simon de Montfort; and the information, so important to us, is derived from an old *French* translation of an unmutated or unabridged text. I call the attention of the reader to this circumstance in further proof of the observations above made, concerning the omissions of the formal parts of legislative proceedings.

Perhaps the evidence best enabling us to deduce the history of legislation, is found in the example of Carcassonne. (III. 5 & 6.) Here the "Mallum" of the Carlovingian county (II. 3) distinctly reappears under the name of the "Estates" of the Capetian Sénéchaussée. The Ordinance of St. Louis, considered by the historians of Languedoc as creating the Provincial States (III. 4), is, in truth, the fullest recognition of their previous existence and authority. It is a remedial statute, grounded upon the Petition of the People. A grievance has been sustained by the act of the Sovereign, and he declares that, in future, his prerogative shall not be exercised without the assent of the legislature. The Three Estates are not instituted by the ordinance: but St. Louis concedes that, in a particular case, a power which had been hitherto exercised by the irresponsible authority of the Sovereign, shall be submitted to their advice and control.

It is observed by Hallam, that, "excepting a few instances, it does not appear that the Kings of the House of Capet acted according to the advice and deliberation of any national assembly, such as assisted the Norman Sovereigns of England; nor was any consent required for the validity of their edicts, except that of their ordinary council, chiefly formed of their household officers and less powerful vassals. This is at first sight very remarkable,—for there can be no doubt that the government of Henry I. or Henry II. was incomparably stronger than that of Louis VI. or Louis VII. But this apparent absoluteness of the latter was the result of their real weakness, and the disorganization of the monarchy. The Peers of France were infrequent in their attendance upon the King's Council, because they denied its coercive authority." (Hallam, p. 174.)—In this opinion he follows Mably.—

J'ai dit, en parlant du gouvernement féodal en France, que **Part II.**
sur la fin de la seconde race et sous les premiers Capétiens, il n'y eut point d'assemblée de la nation en qui résidât la puissance publique, et qui eût droit de faire des lois auxquelles chaque seigneur fut obligé d'obéir. La foi et l'hommage entre les suzerains et leurs vassaux, tous vrais despotes dans leurs terres, étoient les seuls liens qui les unissent. Cependant pour *suppléer*, autant qu'il étoit possible, à cette puissance publique dont on sent toujours la nécessité, les seigneurs qui avoient quelques affaires communes, *imaginèrent* de s'assembler dans un lieu commode dont ils convenoient, et prirent l'habitude d'inviter leurs amis et leurs voisins à s'y rendre, pour délibérer de concert sur leurs prétensions, et la manière dont ils se comporteroient.

Ces espèces de congrès, qu'on tint assez souvent à l'occasion des croisades, des entreprises du clergé, etc., se nommoient alors Parlemens, parce qu'on y parlementoit. Il faut se garder de confondre ces assemblées avec la cour de justice du Roi, qu'on ne commença à nommer Parlement, que vers le milieu du treizième siècle (Voyez le traité des fiefs de

[I have said, in speaking of feudal government in France, that *towards the end of the second race and under the early Capetians, there was no assembly of the nation in which resided a national authority and which had the right to make laws, which each lord was bound to obey.* Fealty and homage between suzerains and their vassals, all veritable despots in their lands, were the sole ties which united them. However in order to *supply*, as far as possible, that national authority, the necessity of which was always felt, nobles, who had common interests, *conceived the idea* of assembling together in a suitable place, to which they were all agreeable, and formed the habit of inviting their friends and their neighbours to meet there, to deliberate in concert on their claims and the way in which they should conduct themselves.

These congresses, as it were, which were held fairly often with reference to the crusades, enterprises of the clergy etc., were then called Parliaments because matters were discussed there. Care must be taken not to confound these assemblies with the court of the King's justice, which only began to be called Parliament towards the middle of the 13th century. (See the treatise on fiefs by Brussel, p. 321.) The lords who

Part II.

Brussel, p. 321). Les seigneurs qui tenoient les assises ou les plaids du Roi, profitant de l'occasion qui les rassembloit pour conférer ensemble sur leurs affaires communes ou particulières, ainsi qu'ils avoient coutume de faire dans les assemblées, ou congrès, dont je parle, on s'avisa de se servir du mot de Parlement, pour désigner la cour de justice du Roi, et bientôt ce nom lui fut attribué privativement, soit parce que la cour du Roi formoit une assemblée plus auguste et plus importante que les autres, soit parce qu'elle s'assembloit régulièrement plusieurs fois l'année, et que les autres assemblées n'avoient, quant à leur convocation et tenue, rien de régulier et de fixe.

C'est dans le sens de congrès que Villehardouin emploie le mot de Parlement, ainsi qu'on en peut juger par les passages suivans. "Après pristrent li Baron (qui étoient croisés) un parlement a Soissons, pour savoir quand il voldroient movoir, et quel part il voldroient tourner. A celle foix ne se porent accorder, porce que il lor sembla que il n'avoient mie encore assés gens croisié. En tot cet an 1200 ne se passa onques deux mois, que il n'assemblassent a parlement a Compeigne en qui furent tuit li Comte et li Baron qui croisié estoient

held the Assizes or the pleas of the King, taking advantage of the occasion which brought them together, to confer with one another about their common or private business, as they had been accustomed to do in the assemblies or congresses of which I am speaking, conceived the idea of using the word Parliament to denote the court of the King's justice, and soon this name was attributed to it exclusively, either because the court of the King formed a more august and more important assembly than the others, or because it assembled regularly several times a year, and because the other assemblies, as regards their convocation and procedure, were in no way regular or fixed.

It is in the sense of congress that Villehardouin employs the word Parliament, as one can judge from the following passages: "At a later date the Barons (who had taken the Cross) held a parliament at Soissons, to find out when a move should be made and in what direction. On that occasion they could not decide, because it seemed to them that they had not yet enough men who had taken the Cross. In the whole of this year 1200, two months did not pass by without an assembly of parliament at Compiègne, at which were present all the Counts and Barons

(art. 10), pristrent un parlement al chief del mois a Soissons **Part II.** per savoir que il pourroient faire. Cil qui furent li Cuens Balduin de Flandres et de Hennaut, et li Cuens Loeys de Blois et de Chartrain, li Cuens Joffroy del Perche, li Cuens Hues de S. Pol et maint autre preudome (art. 20)."

Les parlemens ou congrès ne faisoient point partie du gouvernement féodal. Quelque seigneur que ce fut étoit le maître de les proposer, et s'y rendoit qui vouloit. On convenoit quelquefois dans ces assemblées de quelques articles qui n'obligeoient que ceux qui les avoient signés: c'étoient des conventions ou des traités de ligue, d'alliance ou de paix, et non pas des lois.

who had taken the cross (art. 10); they held a parliament at the beginning of the month at Soissons to find out what they could do. There were present the Count Baldwin of Flanders and of Hainault, the Count Loeys of Blois and of Chartrain, the Count Joffroy of Perche, the Count Hues de St. Pol and many other nobles (art. 20)."

The parliaments or congresses formed no part of the feudal government. Any lord whatever was free to propose them, and whoever wished went to them. Sometimes they agreed in these assemblies to certain articles which only bound those who had signed them; they were conventions or treaties of league, of alliance or of peace, and not laws.]

I have made these long extracts (Mably, II. pp. 373 to 376), in order that it may be seen how the characteristics, which are sought in vain in the "Monarchy" of *France*, are to be found in the legislatures of the dominions denominated by that *collective* name. And, indeed, it is marvellous how Mably, with Vaissète upon his shelves, could assert that, in the reign of Philip le Bel, "les François, plongés dans la plus profonde ignorance, n'avoient aucune idée de la forme que doivent avoir des assemblées nationales, ni de la police régulière qui doit en être l'âme pour les rendre utiles. Ils ne savoient peut-être pas qu'il y eut un Charlemagne, et certainement ils ignoroient l'histoire de nos anciens Champs de Mars et de Mai" (II. 123.) [the French, plunged in the profoundest ignorance, had no idea of the form which national assemblies ought to have nor of the regular organization, which, to render them useful, should be the very soul of them. They did not know perhaps that there had been

Part II.

a Charlemagne, and they certainly were ignorant of the history of our ancient Champs de Mars and Champs de Mai].

The Assembly of Carcassonne was as truly a national assembly for that ancient County, as the Parliament of Scotland or of England. Whether the three orders of Carcassonne knew much or little about the *Champ de Mai*, is foreign to the purpose. But it may be asked, whether the Abbé was not more inexcusably ignorant of matters which he was bound to know. It is amusing to see all the elaborate theories concerning the supposed *motives* which induced Philip le Bel to introduce the Deputies of the Tiers État into the States-General in 1302, at once demolished by the production of the record. The States-General necessarily took into them all the elements of which the Provincial States were composed. The appointment of Deputies for the Towns, instead of their Magistrates, was mere matter of arrangement.

Representation of towns
I. First appearing by their
Magistrates, or governing
classes or bodies. II. Next,
by Deputies, appointed by
such Magistrates, or go-
verning classes.—III.
Lastly (in some cases), by
Deputies elected by the
body of freemen, &c.

The Consuls of Albi^a were, perhaps, detained by the affairs of the town, and therefore they appeared at Béziers by their Procurators; and when an assembly was appointed to meet for all France, such a practice would be adopted, not only for the convenience of the distant towns, but in order to keep the numbers of the assembly within moderate bounds. Municipal bodies seem, in the first instance, to have appeared by their Magistrates, or *governing bodies*. In the next stage, Deputies were appointed by such Magistrates or governing bodies. Delegates, appointed or elected by the inhabitants, corporators, or burgesses at large, constituted the last stage.

I.

WRITS OF SUMMONS TO THE GENERAL CONVENTUS, OR TO THE MALLUM, FORMATION OF THE GENERAL CONVENTUS, &c.^b

(1.)

A recital of a writ of summons to a General Conventus is preserved in the epistle addressed by Hincmar and the

^a See below, p. 839, &c.

^b I add examples of our English writs, in order to bring before

other Bishops of the province of Rheims and Rouen to **Part II.**
Louis le Germanique, A.D. 858.

the reader the general resemblance of the proceedings. They should also be compared with the writs of summons addressed to the members of the States of Carcassonne.

Rex venerabili in Christo Patri *W. Eborum* Archiepiscopo salutem. Mandamus vobis rogantes, quatenus sicut nos et honorem nostrum pariter et vestrum diligitis, et in fide qua nobis tenemini, omnibus aliis negociis omissis, sitis ad nos, apud *London'*, a die Sancti *Hilarii* in xv. dies, ad tractandum nobiscum, una cum cæteris magnatibus nostris, quos similiter fecimus convocari, de arduis negociis nostris, statum nostrum et totius Regni nostri specialiter tangentibus: et hoc nullatenus omittatis. Teste Rege apud *Windleshore*, xiiii. die Dec. (26 Hen. III.)

[The King to the venerable Father in Christ, *W.*, Archbishop of *York*, greeting. We do hereby command and request you, as you love us and our honour equally with your own, and by the fealty by which you are bound to us, that you lay aside all other business and come to us at *London* on the fifteenth day from the feast of *St. Hilary*, there to discuss with us, together with the rest of our magnates, whom we have in like manner caused to be summoned, our arduous affairs, especially touching our condition and that of the whole Realm; and by no means fail in this. Witness the King at *Windsor*, on the 14th day of December.]

Rex dilecto et fideli suo *Ricardo de Burgo*, Comiti *Ulton*. salutem, &c.....ad hæc, quia dilecto et fideli nostro *Johanni Wogan*, Justiciario nostro *Hiberniæ* super isto negocio nostram mandavimus voluntatem, vobis ex parte nostra vivæ vocis oraculo plenius referendam, vos rogamus quatenus eidem *Johanni* in hiis quæ vobis dixerit in hac parte fidem plenariam præbeatis, et ea in omnibus faciatis et compleatis, secundum quod vos ex parte nostra duxerit requirendos.....super quibus vestrum responsum per eundem justiciarium remandetis. Et hoc sicut nostri et totius Regni nostri commodum et honorem diligitis, et de fidelitatis vestræ constantia confidimus, nullatenus omittatis. Teste Rege apud *Plympton*, quarto die Maii. (25 Ed. I.)

[The King to his trusty and well-beloved *Richard de Burgh*, Earl of *Ulster*, greeting etc....Moreover, whereas we enjoined our will upon our trusty and well-beloved *John Wogan*, our justiciar of *Ireland*, regarding this matter, to be more fully referred to you on our behalf by word of mouth, we do ask you

Part II.

Writ of Summons to a
General Conventus to be
held before the King.

Litteras dominationis vestrae quique nostrum habuimus, quibus jussistis ut vobis vii. Kalendas Decembris, Remis occurreremus; quatenus ibi nobiscum et cum cæteris fidelibus vestris de restauratione sanctæ ecclesiæ et de statu ac salute populi Christiani tractaretis. Sed nos ad placitum illud occurrere non potuimus, et propter incommoditatem et brevitatem temporis et propter inconvenientiam loci, et quod lugubrius est, propter confusionem tumultûs exorti, &c. (Bouquet, VII. p. 519.)

[We have each and all of us received the letters of your majesty in which you have ordered us to meet you at Rheims on the 25th day of November, in order that you might there discuss with us and with the rest of your faithful vassals the restoration of holy church and the condition and welfare of the Christian people. But we were not able to come to this assembly, both because of the inconvenience and shortness of the time and the unsuitableness of the place of meeting, and, what is more to be deplored, on account of the confusion caused by an insurrection which has arisen &c.]

(2.)

Writ of Summons to a
Mallum to be held before
the Missus. (Compare
with the writ to Richard
de Burgh, in the preceding
note.)

In nomine Domini Dei et Salvatoris nostri Jesu Christi, *Hludovicus* divina ordinante providentia Imperator Augustus *G. Comiti*. Notum sit tibi, quia volumus ut, quando hæc Epistola nostra ad te venerit, statim sine ulla dilatione præpares te ad hoc, ut xv. Kal. Januarii, id est, vi. diebus ante Natale Domini, obviam Misso nostro *H.* venias, in villa nostra quæ dicitur *Heilambrunno*: et quicquid ille tibi de verbo nostro simul cum aliis Comitibus et fidelibus nostris ad faciendum injunxerit facere studias, et taliter exinde

to give full belief and trust to this same *John* regarding those matters which he shall tell you in this behalf, and to perform and fulfil them in every respect, according to what he considers should be required of you on our behalf...and that you return us your answer on these questions by this same justiciar. And we do enjoin upon you, as you love the welfare and honour of ourselves and the whole Kingdom, and according to our trust in the constancy of your fealty, that you fail not in any way to perform this. Witness the King at *Plympton* on the 4th day of May.]

agas, qualiter in tua fidelitate bonam habemus fiduciam. **Part II.**
Bene vale. (Bouquet, VI. p. 373.)

[In the name of the Lord God and our Saviour, Jesus Christ, *Louis* by the providence of God's ordinance, Emperor Augustus, to Count *G.* Be it known to you that it is our will, when this our letter shall reach you, that you, without any delay, do prepare yourself to come to meet our Missus *H.* on the 18th day of December, to wit six days previous to our Lord's natal day, in our town which is called *Heilbronn*; and whatever he shall enjoin upon you to do in accordance with our word together with other Counts and our faithful vassals, that take ye heed to do and forthwith perform even as we have good confidence in your fealty. Farewell.]

(3.)

Magnifico et honorabili atque inlustri viro *N.* glorioso Comiti *Eghinardus* æternam in Domino salutem. Domnus Imperator mandavit per *Dagolfum* venatorem ut *N.* Comes faceret convenire ad unum locum illos Comites qui sunt in *Austria*, id est, *Hattonem*, et *Popponem*, et *Gebehardum*, et cæteros socios eorum, ut inter se considerarent quid agendum esset, si aliquid novi de partibus *Bajoariæ* fuisset exortum. Tunc visum est illis bene esse, ut et tu et *Atto* in eodem placito fuissetis. Ideò rogant vos ut consideretis atque illis mandetis in quali loco videatur aptissimum esse illis conloquium. Nam *H.* videtur¹, ut hoc bene esse possit. (Bouquet, VI. p. 384.)

Certain Comites of Austria summoned by the Writ of the Emperor. They think it necessary that two others shall be present in the Placitum, and a precept is issued accordingly.

[To the magnificent, honourable and illustrious man *N.*, glorious Count, *Einhard* wishes eternal salvation in the Lord. The Lord Emperor has ordered by his Master of the Chase *Dagolf* that Count *N.* should cause to assemble together to one place those Counts who are in *Austria*, to wit *Hatto*, *Poppo*, and *Gebehard* and others of their rank to consider among themselves what is to be done, if any new development should arise from *Bavaria*. At that time it seemed to them that it would be good if you and *Atto* were to attend the same assembly. Wherefore we bid you consider and then tell them in what place it seems most fitting that this meeting should be held. For it seems to *H.* that this would be good.]

Part II.

(4.)

822.

General Conventus held at Frankfort.

Imperator verò peracta autumnali venatione, trans *Rhenum* hiematum ad *Franconofurt* profectus est: ibique generali Conventu congregato, necessaria quæque et ad utilitatem *Orientalium* Regni sui finium pertinentia, more solemni cum Optimatibus, quos ad hoc evocari jusserat, tractare curavit. In quo conventu omnium *Orientalium Sclavorum*, hoc est, *Abotritorum*, *Soraborum*, *Wilsorum*, *Behemannorum*, *Maruanorum*, *Predenecentorum*, et in *Pannonia* residentium *Avarum*, Legationes cum muneribus ad se missis excepit. Fuere in eodem Conventu et Legationes de *Nordmannia* tam de parte *Heriholti* quam filiorum *Godefridi*. Quibus omnibus auditis atque dimissis, ipse in eodem loco, constructis ad hoc necessariis ædificiis novis, quemadmodum secum statuerat, hiemavit.

DCCCXXIII.

823. Conventus held at Frankfort, composed of the "Primores" of East France, Saxony, Bavaria, "Alemannia," Burgundy, and the parts adjoining the Rhine, who are commanded to attend.

Mense Maio Conventus ibidem habitus est, in quo non universæ *Franciæ* primores, sed de *Orientali Francia* atque *Saxonia*, *Bajoaria*, *Alemannia*, atque *Alemanniæ* contermina *Burgundia*, et regionibus *Rheno adjacentibus* adesse jussi

[The Emperor indeed, after the conclusion of the autumn hunting, set out to spend the winter across the *Rhine* at *Frankfurt*; and there after summoning a general Assembly, he busied himself with discussing all matters necessary and appertaining to the welfare of the *Eastern* territories of his Kingdom in the usual way, with the optimates, whom he had ordered to be summoned for that purpose. And in this Assembly of all the *Eastern Slavs*, to wit the *Obodriti*, the *Sorabi*, the *Wilzi*, the *Bohemians*, the *Mauri*, the *Predenecenti*, and the *Avars* dwelling in *Pannonia*, he received the Deputations which had been sent to him with gifts. There were in this same Assembly also Deputations from *Normandy*, both on behalf of *Herihold* and also the sons of *Godfrid*. And when they had been received in audience and dismissed, he spent the winter in that place, when new buildings necessary for this purpose had been built, as he had himself determined upon.

In the month of May an Assembly was held in the same place, at which the Peers, not of the whole of *France*, but of *Eastern France* and *Saxony*, *Bavaria*, *Alemannia*, *Burgundy* that adjoined *Alemannia* and the regions that were adjacent to the *Rhine* were ordered to attend. And in this Assembly among

sunt. In quo inter ceteras barbarorum Legationes, quæ vel jussæ, vel sua sponte venerunt, duo fratres, Reges videlicet *Wilsorum*, controversiam inter se de Regno habentes, ad Imperatoris præsentiam venerunt, quorum nomina sunt *Meligastus* et *Celeadragus*. Erant enim filii *Liubi* Regis *Wilsorum*. Qui licet cum fratribus suis Regnum suum divisum teneret, tamen propterea quod natu major erat, ad eum totius Regni summa pertinebat. Qui ubi commissio cum *Orientalibus Abotritis* prælio cecidisset, *Wils* filium ejus *Meligastum*, qui major erat, Regem sibi constituunt. Sed cum is secundum ritum gentis, commissum sibi Regnum parum dignè administraret, illo abjecto, juniori fratri regium honorem detulerunt. Quam ob causam, ambo ad præsentiam Imperatoris venerunt. Quos cùm audisset, et gentis voluntatem proniorem in junioris fratris honorem agnovisset, statuit ut is delatam sibi à populo suo potestatem haberet. Ambos tamen muneribus donatos, et sacramento firmatos, in patriam remisit. Accusatus est in eodem placito apud Imperatorem *Ceadragus*, *Abotritorum* Princeps, quod se erga partem *Francorum* parum fideliter ageret, et ad Im-

Part II.

Meligast and *Celeadragus*, sons of *Liubi*, a King of the *Wilzi* (or *Sclavonia Orientalis*).

Meligast, the elder son, who had been appointed King, deposed, because he did not govern to the satisfaction of the nation, and *Celeadragus* appointed in his stead.—They are both summoned to appear before the Emperor, who, when he understands that the younger is the more agreeable to the people, confirms him in his authority.

Ceadragus, Prince of the *Abotriti*, accused of having violated his fealty towards the *Franks*.

the other Deputations from barbarians, which had come either at the Emperor's bidding or of their own free will, two brothers, to wit Kings of the *Wilzi*, who were disputing the succession between them, and whose names were *Meligast* and *Celeadragus*, came to the Emperor's presence. For they were the sons of *Liubi*, King of the *Wilzi*. And, although he (*Liubi*) shared his Kingdom with his brothers, nevertheless because he was the elder, the supremacy of the whole Kingdom belonged to him. But after he had fallen in battle with the *Eastern Obodriti*, the *Wilzi* appointed his son *Meligast*, who was the eldest, King over themselves. But when he governed unworthily the Kingdom entrusted to him according to the usage of the people, he was dethroned and the kingly office was conferred on his younger brother. For this reason both of them came to the Emperor's presence. And when he had given them audience and had clearly seen that the wishes of the people were more inclined to honour the younger brother, he decreed that he should hold the power conferred on him by his people. However he sent them both back to their country loaded with gifts and bound by an oath. In this same Assembly, *Ceadragus*, Sovereign of the *Obodriti*, was accused before the Emperor of having acted with but scant fealty towards the *Franks* and of

Part II.

Ceadragus promises to repair to the presence of the Emperor in the ensuing winter season.

Another Conventus agreed upon, to be held at Compiègne.

Ceadragus, accompanied by some of the "Primores" of his nation, appears before the Emperor, in the Placitum or Conventus at Compiègne, and justifies his conduct.

peratoris præsentiam jam diu venire dissimulasset. Propter quod ad eum Legati directi sunt. Cum quibus ille iterum quosdam ex primoribus gentis suæ ad Imperatorem misit, perque illorum verba promisit se ad *proximum hyemis tempus ad illius præsentiam esse venturum*....

In eodem Conventu locus et tempus alterius Conventus habendi indicta sunt, *Novembris* videlicet mensis, et *Compendium* Palatium. Peracto itaque placito, et dimissis Proceribus, cum Imperator jam indè digredi statuisset, &c....

Ceadragus, *Abotritorum* Princeps, pollicitationibus suis fidem adhibens, cum quibusdam primoribus populi sui *Compendium* venit; dilatique per tot annos adventus sui rationem coram Imperatore non improbabiliter reddidit. Qui licet in quibusdam causis culpabilis appareret, tamen propter merita parentum suorum non solum impunitus, verum muneribus donatus ad Regnum redire permissus est. (*Annales Eginhardi*, Bouquet, VI. pp. 183, 184.)

having for a long time given false excuses for not coming to the Emperor's presence. Ambassadors were therefore sent to him. But with them he again sent some of the peers of his people to the Emperor, and by their words promised *to come to his presence in the ensuing winter season*.

In this same Assembly the place and time for the holding of another Assembly were announced, to wit in the month of *November* in the Palace at *Compiègne*. Therefore at the conclusion of this Assembly and after the dismissal of the Peers, when the Emperor had already made up his mind to go away &c....

Ceadragus, Sovereign of the *Obodriti*, keeping faith with his promises, came with certain peers of his people to *Compiègne*, and gave a plausible reason for the postponement for so many years of his coming into the presence of the Emperor. And though in some matters he appeared to blame, yet for the sake of the deserts of his parents, he was permitted to return to his Kingdom, not only without receiving punishment, but even loaded with gifts. (*Annals of Einhard*.)]

(5.)

A.D. 823.

In eadem villa, *Franconoford* scilicet, Imperator hieme exacta, Maio mense Conventum habuit *Australium Francorum, Saxonum*, aliarumque eis collimitantium gentium.

In quo duorum fratrum certamen, quod de Regno magna Part II. altercatione inter se vertebant, congruo fine diremit. Erant autem *Wilzi* genere, filii *Liubi* quondam Regis: nomina eorum fuere, *Mileguastus* et *Celeadragus*; quorum pater *Liubi* dum *Abodritis* bellum indixisset, ab eis interemptus est, et regnum primogenito contraditum. At hic cum nimis segniorem se, quam res poscebat, in regni administratione exhiberet: circa junioris honorem favor populi declinavit. In qua altercatione ante præsentiam Imperatoris venientes, requisita atque reperta voluntate populi, junior quidem Princeps est declaratus: ambos tamen Imperator muneribus amplis donatos, et *sacramentis devinctos*, et inter se et sibi dimisit amicos. (Vit. et Act. Ludov. Pii Imp., Bouquet, VI. p. 105.)

Meligast and Celeadragus take the oath of fealty to Ludovicus Pius.

[When the winter came to an end, the Emperor in the month of May, in this same town, to wit *Frankfurt*, held an Assembly of *Southern Franks*, *Saxons* and other peoples that lived in countries bordering on these. And in this assembly the Emperor brought to a suitable conclusion a contest between two brothers, which they were carrying on with great heat one against the other with respect to the succession. For they were of the people of the *Wilzi*, sons of the former King *Liubi*, and their names were *Mileguast* and *Celeadragus*. And when their father *Liubi* had declared war on the *Obodriti*, he was killed by them and the throne passed to the first-born. But when the latter showed himself far more inactive in the administration of his Kingdom than the state of affairs required, the favour of the people leaned towards the younger son to raise him to the kingly office. And after bringing their quarrel before the Emperor in person, the wishes of the people were consulted and found out, and the younger son was declared Sovereign. Nevertheless the Emperor sent them away loaded with ample gifts and bound by oaths and with friendly feelings towards one another and towards himself. (Life and Acts of Louis le Débonnaire, Emperor.)]

Part II.

II.

THE MALLUM OR PLACITUM—DOCUMENTS RELATING
THERETO.

(1.)

Between 824 and 851.
Armorican Mallum held
before Gralon or Graclent
the Mactiern, &c. and the
Missus of Nominoë, the
King or Prince of Brittany.

Conwoion Abbas venit in Lis-celli in placito publico ante Gradlon Mactiern et ante Portitoë, et Ratuili, et Catloiant, et Jarnuocon filius Worwili, et ante Jouvoion missus Nominoë et multos alios nobiles viros, et interpellavit Merchrit eo quod hæreditatem Rethwobri per vim retinebat, &c., Merchrit eam reddidit secundum iudicium scabinorum, quorum hæc sunt nomina. Hitin. Franwal. Wolethæc. Drihican, &c. Nominoë principe in Britannia. Mainone Episcopo. Gradlon Mactiern, &c. (Lobineau, II. p. 69.)

Judgment given by the
Scabini.

[The Abbot *Conwoion* came to *Lis-celli* to the public assembly held before *Gradlon* the *Mactiern* and before *Portitoë* and *Ratuili* and *Catloiant* and *Jarnuocon*, son of *Worwil* and *Jouvoion*, the Missus of *Nominoë*, and many other noble men, and accused *Merchrit* of forcibly retaining the hereditary possession of *Rethwobri* &c. *Merchrit* restored it to him in accordance with the judgment of the *scabini* whose names are appended. *Hitin. Franwal. Wolethæc. Drihican* &c. *Nominoë*, Prince of *Britanny. Mainon*, Bishop. *Gradlon* the *Mactiern*, &c.]

For the proceedings in another British Mallum, see above, p. 271, No. 2.

These documents are very singular, since they show that the Frankish or Teutonic Scabini had been introduced into Armorica: but I must leave it to the Cymric antiquaries to determine whether any analogous institution may have existed previous to the subjugation of the country. *Nominoë* had his Missus in imitation of Charlemagne.

(2.)

Extract from the record of a Mallum of the County of Carcassonne, held at Ausonne, A.D. 918.

Placitum or Mallum of
Carcassonne, — Members
composing the same, —
Clergy, Judges, Scabini,
and Rachinburgii, Goths,
Romans, and Salians, or
Franks.

Cum in Dei nomine resideret ARIDEMANDUS Episcopus sedis Tolosæ civitatis, cum viro venerabili Bernardo qui est Missus advocatus Raymundo Comite Tolosæ civitatis et

Marchio, per consensu *Odone* Comite genitore suo, una cum **Part II.** Abbatibus, Presbyteris, *Judices*, *Scaphinos*, et *Regimburgos*^a, tam *Gotos*, quam *Romanos* seu etiam et *Salicos* qui jussis causam audire, dirimere, et legibus definire; id est, *Donadeus* Monachus, *Bellus* Monachus, *Amelius* Monachus; *Adalbertus*, *Jodolenus*, *Donatus*, *Rumaldus*, item *Donatus*, *Judices Romanorum*; *Eudegarius*, *Aicobrandus*, *Radulphus*, *Hugo*, *Judici Gothorum*; *Oliba*, *Rotgarius*, *Aïmenradus*, *Johannes*, *Aïmo*, *Arloinus*, *Arimares*, *Aïlenus*, *Judices Salicorum*. Sive et in præsentia *Autario*, *Adalardo*, *Olibano*, *Arnulfo*, *Ugberto*, *Hugone*, *Gairaldo*, *Ossendo*, *Bellone*, *Baldefredo*, *Ischafredo*, *Malaïgnaco*, *Segebrando*, *Ariberto*, *Sanprognano*, *Bonemiro*, *Ostaldo*, *Salvardo* Sagione et aliorum plurimorum bonorum hominum qui cum eos residebant in *Mallo* publico, in castro *Ausona*, in die Sabbato. Ibique in eorum præsentia veniens homo nomine *Adalbertus* qui est mandatarius vel adcertor advocatus *Bernardo* vicario seniori suo, dicebat: Domne episcope et vos judices jubete me audire et facite mihi justitiam de iste *Arifonso* Abbate S. *Johannis Baptistæ* castri *Malaste*, quæ est situs in territorio *Carcassense* super fluviam *Duranno*. Iste jam dictus Abbas et ipsa congregatio de jam dicto loco venerabile, retinent vilare cujus vocabulum est *Villa-Fedosi* quæ alium nomen vocatur *Elsau*, cum terminis et limitibus et adjacentiis suis, qui est situs in territorio *Ausonense* in suburbio *Carcassense*....

[Here follow the boundaries.]

^a ...tunc *Grafio* congreget secum septem *Rachinburgos* idoneos, et cum ipsis ad casam illius fidejussoris veniat. (Lex Salica, 52, § 2.)

[...then the *Count* shall assemble with him seven sufficient *Rachinburgii* and with them let him go to the house of this surety. (Salic Law, 52, § 2:)]

.....si quis ad *Mallum* venire contempserit et quod ei a *Rachinburgis* judicatum fuerit implere distulerit. (Lex Sal. 59.)

[...if any man shall neglect to come to the *Mallum* and shall be slow to fulfil what has been adjudged to him by the *Rachinburgii*. (Salic Law, 59.)]

From these, and many similar passages collected by Savigny, I. 180, &c., and Eichhorn, I. 211, it appears that they held an office or station similar to the *Scabini*. I do not find any satisfactory etymology for the name.

Part II.

Lands asserted to be held
by the service of Caval-
cata.

...de quantum in istas totas affrontationes abet ipse villare constructo cum terminibus, limitibus et ajacentiis suis, sic retinet iste jam dictus Abba injuste et malum ordine, unde servicius debet exire circa et quarta, et cavalcata^a, sicut alii *Spanii* debent facere de illorum aprisione.....

[When in the name of God ARMAND, Bishop of the see of the city of *Toulouse*, took his seat together with the venerable man *Bernard*, who was Missus advocate of *Raymond*, Count of the city of *Toulouse* and Marquess, by consent of Count *Odo* his father, together with the Abbots, Presbyters, Judges, *Scabini* and *Rachinburgii*, both *Goths* and *Romans* and also *Franks* who were ordered to hear, sift and determine lawfully this case, to wit *Donadius* the Monk, *Bellus* the Monk, *Amelius* the Monk; *Adalbert*, *Jodolen*, *Donatus*, *Rumald* and also *Donatus*, Justices of the *Romans*; *Eudegar*, *Aicobrand*, *Radulph*, *Hugo*, Justices of the *Goths*; *Oliba*, *Rotgarius*, *Aïmenrad*, *John*, *Aïmo*, *Arloin*, *Arimares*, *Aïlenus*, Justices of the *Franks*; and in the presence of *Autarius*, *Adalard*, *Oliban*, *Arnulf*, *Ugbert*, *Hugo*, *Gairald*, *Ossend*, *Bellon*, *Baldefred*, *Ischafred*, *Malaïgnac*, *Segebrand*, *Ari- bert*, *Sanprognan*, *Bonemir*, *Ostald*, *Salvard* the Tip-staff, and several other good men who with them were sitting in the public *Mallum*, in the town of *Ausonne*, on Saturday. And there to their presence there came a man named *Adalbert*, who was proctor or lawyer advocate for *Bernard*, the deputy of his lord, and said, "My Lord Bishop and you justices, do ye give orders that I should be heard and do me justice with regard to *Alfonse*, Abbot of St. John the Baptist in the town of *Malast*, which is situated in the territory of *Carcassonne* on the river *Douron*. For the aforesaid Abbot and his brotherhood in that aforesaid venerable place do retain a certain hamlet which is called *Villefedose* and which also bears the name of *Alsau*, with its district, boundaries and adjacent lands, which property is situated in the territory of *Ausonne* in the suburb of *Car- cassonne*....

...to the full extent which that hamlet has in the whole of the aforesaid boundaries with inclusion of all its district, limits and appurtenances, to that same extent does the said Abbot unjustly and wrongly withhold it, since it ought to do service of tierces and quarts and military duty, as the other *Spaniards* have to do for lands allotted to them.]

^a *Cavalcata* is military service for forty days: the "circa [tertia?] et quarta," is unintelligible.

The Abbot, by his mandatory, pleads that his predecessors **Part II.**
purchased the land, and that the precepts, by which the

monks hold the property, show “quod nullum obsequium
nec nullum servitium non debent facere de jam dicto villare
nec de suum terminium sed omnia hæc in alimonia pauperum
et in stipendia monachorum” [that they are not bound to
do any duty or service in respect of the aforesaid hamlet
nor for its surrounding district, but all these are held as alms
for the poor and as maintenance for the monks]; and he
proffers his charters, &c. *Adalbert* is then called upon by
the Court to rebut this plea by legal evidence: “inter-
rogavimus *Adalberto* mandatario de jam dicto *Bernardo*
vicario Misso *Raymundo* Comite, si potebat habere scripturas
aut testes aut ullum judicium veritatis, ut possit approbare
quod beneficium debet esse de seniore suo *Bernardo* per
donativum vel consensu de jam dicto Comite *Raymundo*,
quam alodes de ipse venerabile loco superius nominato.”
[we have questioned *Adalbert*, the Proctor of the aforesaid
Bernard, the Missus deputed by Count *Raymund*, as to
whether he could produce writings or evidence or any
decisive proof, so that he can prove that the estate should
be adjudged a benefice of his senior *Bernard* through the
gift or the consent of the aforesaid Count *Raymond*, rather
than an allodium of the venerable place mentioned above].

No service due from the
lands, the same being
held for the support of
the poor, and the main-
tenance of the Monks.

—He is unable to do so, and withdraws his suit, and, by the
order of the Mallum, he acknowledges in Court that the
Abbot has more right to hold the land as an allode, than
his *Senior* has to claim it as a benefice: “Recognosco me
ego *Adalbertus* mandatarius quod negare non possum et sic
facio meam professione adque exvagatione, quæ de ipse
vilare superius nominatum, unde ego per vocem seniori meo
interpellavi *Soniaro* mandatariam *Arifonso* Abbate, injuste
et malum ordine eum interpellavit adque mallavit que plus
debet esse ipse vilares cum finis et terminis suis, sicut
scriptum est, alodes legitimum de ista jam dicta casa-Dei
adque venerabili loco, sive *Arifonso* Abbate, vel ad ejus
congregatione, per illorum auctoritate et per regia donatione,
quam beneficium *seniore* meo qui me mandatarium injunxit
aut de quolibet hominem. Et ea quæ ego me recognosco
atque exvacuo, simulque conlaudo, recte et veraciter me
recognosco atque conlaudo, et mea recognoxio vera est in
omnibus.” (Vaissète, Histoire de Languedoc, tom. II.,

Part II

Preuves, pp. 56, 57, 58.) [I, Adalbert Proctor, do recognise what I am unable to deny, and herewith do make my declaration and renunciation,—inasmuch as (*quia*) with reference to the same hamlet aforementioned concerning which I, as proctor on behalf of my principal, have summoned into court *Sunarius*, the proctor (*mandatarium*) of *Alfonse*, I have summoned him and brought him before the mallum unjustly and wrongly,—that the same hamlet with its district and bounds as described is of right rather the lawful allodium of the aforesaid monastery and venerable place, and of *Alfonse* the Abbot and his brotherhood by the titles in their possession and the king's gift, than the benefice of my principal, who appointed me proctor, or of any other whatever. And what I profess and renounce and likewise approve of, I profess and approve of honestly and truly, and my profession is true in all respects. (Vaissète, History of Languedoc, Proofs, vol. II. pp. 56, 57, 58.)] The strangely corrupted language of this document holds a medium between "Book Latin" and the *Lingua Romana*.

III.

LEGISLATION OF THE STATES^a INCLUDED IN THE
FRANKISH EMPIRE OR MONARCHY.

(1.)

Constitutio Gaufredi Comitis Britonum.

1185.
Constitution or Assize
enacted by Geoffrey Plantagenet, Duke of Brittany, upon the petition of the Bishops and Barons of Brittany.

§ 1. Hæc est Assisia terrarum *Britanniæ* quam fecit *Gaufridus* Comes, filius Regis *Anglorum*. Notum sit omnibus tam præsentibus quam futuris quod cum in *Britannia* super terris inter fratres dividendis detrimentum plurimum soleat

^a I avoid, almost to affectation, the name of *Provinces*, because by that name, in its modern sense, we can hardly help understanding it as designating portions of a kingdom or state. Now I wish that the reader should always keep in mind that the component parts of France were distinct and individual states, which had never been combined into one monarchy, and that their privileges were not gained at the expense of the Crown, but were merely the remains of an independent organization, which had escaped destruction.

evenire, ego GAUFRIDUS filius HENRICI Regis, Dux *Britanniæ*, Part II.
Comes *Richemundiæ*, utilitati terræ providere desiderans,
petitioni Episcoporum et Baronum omnium *Britanniæ*
satisfaciens, communi assensu eorum Assisam feci tempore
meo et successorum meorum permansuram, et concessi quod
in Baroniis et feodis militum ulterius non fierent divisiones,
sed major natu integrum obtineret dominatum. Junioribus
suis majores providerent et ministrarent honorifice necessaria
juxta posse suum; ea vero quæ tunc juniores possidebant in
terris sive denariis tenerent quamdiu viverent; hæredes
quidem terras tenentium illas possiderent in perpetuum,
denarios autem habentium hæredes post patres non haberent.

Baronies and Knights'
fees not to be divided as
heretofore, but to descend
entire to the eldest sons.

§ 2. Item si terra majorum devenerit in ballivum, frater
major post eum bailliam habebit. Quod si fratrem non
habuerit, ille de amicis balliam habeat cui decedens cum
assensu Domini sui eam commendare voluerit.

[Ordinances of *Geoffrey*, Count of *Britanny*.

§ 1. This is the Assize of the lands of *Britanny* which Count
Geoffrey, son of the King of the *English*, enacted. Be it known
to all men, present and future, that since in *Britanny* very
great mischief usually results from the distribution of land
between brothers, I, GEOFFREY, son of King HENRY, Duke of
Britanny, Earl of *Richmond*, being desirous to provide for the
welfare of the land and by way of granting the petition of the
Bishops and all the Barons of *Britanny*, with their common
consent, have enacted an Assize that is to remain in my time
and in the time of my successors, and I have conceded that
no further divisions be made in Baronies and knights' fees,
but that the first-born hold the lordship without division;
that the elders provide for their juniors and honourably supply
them with all they need in so far as they are able; but that the
younger brothers hold as long as they live what they themselves
possessed in lands or money at that time; that the heirs of
those holding such lands possess them for ever, but that the
heirs of those who have money have it not after their fathers.

§ 2. Again if the ancestral estate passes into the keeping
of a guardian, the next older brother of the deceased shall
have the wardship. And if he has no brother, let one of his
friends, to whom at his death he wished to entrust it with his
Lord's consent, have the guardian's office.

Part II.

§ 3. In filiabus vero, qui majorem habuerit terram habeat, et juniores maritabit de terra ipsa ad consilium Domini et propinquorum generis. Si autem in terra majoris maritagium aliquod decidere contigerit, quod juniori placeat, illud habebit; nec major alii conferre poterit dum junior habere velit. Quod si habere noluerit et alibi invenerit, major frater ei de rebus et catallis suis dando pro posse suo cum consilio propinquorum procuret amicorum. Item si major juniori terram dederit de qua eum in hominem recipiat et sine hærede obierit, alicui de propinquis suis cui voluerit eam dabit, ita quod ad principalem Dominum non redeat. Si autem non ceperit eum in hominem ad majorem fratrem hæreditas revertetur.

§ 4. Hanc Assisiam ego *Gaufridus*, Dux *Britanniæ* et *Constancia* uxor mea et omnes Barones *Britanni* juravimus tenere. Decrevimus etiam necessarium ut et majores natu et juniores eam jurarent tenendam. Et si juniores nollent jurare amplius nec in terram nec in denarios partem essent habituri.

§ 3. In the case of daughters however, let him who has married the eldest have the land and he shall find husbands for the younger daughters out of that land in accordance with the counsel of his Lord and the relatives of the family. But if on the estate of the elder a marriage portion should chance to become available which pleases a younger daughter, she shall have it; nor can the elder daughter confer it on any one else as long as the younger wishes to have it. And if she does not wish to have it and has acquired property elsewhere, let the elder brother (brother-in-law), with the advice of their nearest friends, provide for her by giving her, to the utmost of his ability, out of his goods and chattels. And also if the elder shall give to the younger land in respect of which the younger becomes his man and he shall die without heirs, he shall give this land to any one of his relatives that he shall wish, provided it does not revert to the principal Lord. If however he does not receive him as his man, let the inheritance revert to the elder brother.

§ 4. I, *Geoffrey*, Duke of *Britanny* and *Constance*, my wife, and all the Barons of *Britanny* have sworn to maintain this Assize. We have also decreed that it is necessary that both elder and younger sons should swear to keep it. And if the younger sons will not swear, that they should have no further share in the land or in the revenues.

§ 5. Hanc igitur institutionem sive Assisam *Rolando de Dinanno* et ejus hæredibus per totam terram suam concessimus permansuram. Ut igitur ratum permaneat et stabile, attestazione sigilli mei et *Constance* uxoris meæ volumus roborari. Testibus, *Herberto Redonensi* Episcopo. *P. Macloviensi* Episcopo. *Mauritio Nannetensi* Electo. *Radulfo de Fulgeriis*. Comite *Eudone*. *Alano de Rohan*. *Alano filio Comititis*. *Henrico filio Alterius*. *Abbate Tudi*, et pluribus aliis. Apud *Redonas*. (Lobineau, II. pp. 317, 318.)

§ 5. We have therefore conceded that this institution or Assize should be permanent for *Roland of Dinan* and his heirs throughout all his land. In order therefore that it might remain ratified and firm, it is our will that it be confirmed with the attestation of my own seal and that of my wife *Constance*. On the testimony of *Herbert*, Bishop of *Rennes*, *P.* Bishop of *Saint-Malo*, *Maurice*, Elect of *Nantes*, *Raoul de Fougères*, Count *Eudon*, *Alain de Rohan*, *Alain Fitz-Count*, *Henry*, the son of the other Count, *Abbot Tudi* and several others. At *Rennes*.]

Copies of this Assize were delivered to all the principal Barons of the Duchy, the name of the party being inserted in the fifth section.

(2.)

Ego *Blancha* Comitissa *Trecensis* Palatina, notum facio universis, tam præsentibus quàm futuris, me communi consilio et assensu baronum meorum et vavassorum meorum statuisset, quòd si aliquis baronum meorum, vel vavassorum *Campaniæ*, vel *Briæ*, sine herede masculo decesserit, et plures habuerit filias, primogenita filiarum habeat castellum, aliæ verò habeant planam terram: ita quòd de terra illa plana unicuique illarum portio sua rationabilis assignetur, juxta valentiam reddituum castelli, non æstimata vel computata valentia domini vel forteritiæ sive castelli sui, neque valentia justitiæ infra castellum, neque valentia feodorum quæ pertinent ad castellum. Et si post rationabilem cujuslibet portionem, sicut superius est expressum, factam de terra illa plana, aliquid residuum fuerit; in residuo illo primogenita

1212.

Establishment or Statute made by *Blanche*, Countess of *Troyes*, by the advice and assent of the Barons and Vavassors of *Champagne* and *Brie*, concerning the succession of daughters of Barons and Vavassors, as coparceners.

Part II.

filiarum domina castelli cum aliis sororibus suam habeat portionem, si verò plana terra non valuerit tantum, quod quælibet filiarum possit rationabilem portionem, juxta valentiam reddituum castelli, sicut prædictum est, de castelli redditibus suppleatur. Si autem, duo vel tria, vel plura fuerint castella, prima filiarum melius habeat castellum; secunda melius post illud; tertia tertium; quarta quartum; et sic de aliis. Aliæ vero filiæ habeant terram planam; ita quod si de plana terra non possunt habere rationabilem portionem juxta valentiam castellorum, non æstimata vel computata valentia domini, vel forteritiæ illorum castellorum sicut prædictum est, neque valentia justitiæ infra castella, neque valentia feodorum quæ pertinent ad castella; unicuique illarum portio fiat rationabilis, et augeatur de redditibus castellorum. Hoc idem stabilimentum feci de castellanis, et de vavassoribus qui habent castella, vel domos fortes. (Martène et Durand, Thesaur. Novus Anecd. I. p. 825.)

[I, *Blanche*, Countess Palatine of *Troyes*, do make known to all men in the present and in the future, that I, with the common counsel and consent of my barons and vavassors, have enacted that if any of my barons or vavassors of *Champagne* or *Brie* shall die without male heirs and shall have several daughters, the firstborn of the daughters shall have the castle and the others shall have the cultivated land: in such a way that a reasonable portion be assigned to each one of them in respect of that cultivated land, computing according to the value of the returns of the castle, but without estimating or computing the value of the lordship either of the fortress or the castle itself or the value of the justice within the jurisdiction of the castle, or the value of the feuds that appertain to the castle. And if, after a reasonable provision for any one, as has been expressed above, has been made out of the cultivated land, there be any residue, in that residue the firstborn of the daughters, as lady of the castle, shall have a share together with the other sisters; if however the cultivated land does not suffice that any of the daughters can have a reasonable portion, according to the value of the returns of the castle, as has been said above, let the deficiency be supplied from the returns of the castle. If however there are two or three or more castles, let the elder daughter have the best castle, the second daughter the next best, the third daughter the third best, the fourth

daughter the fourth best and so on. Let the other daughters **Part II.** however have the cultivated land; and if they cannot have a reasonable share of the cultivated land in accordance with the value of the castles, without estimating or computing the value of the lordship or the fortifications of those castles, as has been said above, nor the value of the justice within the jurisdiction of the castles, nor the value of the feuds which appertain to the castles, let a reasonable share of them be made to each one and the augmentation be taken from the returns of the castle. This same firm decree have I made with regard to chatelains and vavassors who have castles or strong dwellings. (Martène and Durand, A new collection of inedited documents.)]

(3.)

Nous *Simon* Counte de *Leicestre*, Sieur de *Montfort*, &c., ^{1212.} par le conseil des venerables Seigneurs, scavoir est, les ^{Parliament of Pamiers held by Simon de Montfort.} Archevesque de *Bordeaux*, Evesques de *Tolose*, *Carcassone*, *Agen*, *Perigueux*, *Conserans*, *Commenge*, et *Bigorre*, et des sages hommes nos Barons et principaux vassaux^a mettons en toute nostre terre telles generales coustumes, les quelles commandons estre de tous inviolablement observées, et sont celles qui ensuivent. (Catel. 269.)

[We, *Simon*, Earl of *Leicester*, Lord of *Montfort*, &c., by the counsel of the venerable Lords, to wit the Archbishop of *Bordeaux*, the Bishops of *Toulouse*, *Carcassonne*, *Agen*, *Perigueux*, *Conserans*, *Commenge*, and *Bigorre* and of the wise men our Barons and principal vassals, do hereby set forth in all our land such universal customs, as we command to be inviolably observed by all, and they are as follows. (Catel, History of the Counts of Toulouse.)]

Anno Incarnationis Domini 1212, mense Novembris, convocavit nobilis Comes *Montis-fortis* Episcopos et Nobiles

^a E quand lo dit Conte de *Montfort* vist que autre cosa no podié far, va s'en tornar dessa en Pamias, la ont mandet un grand conseilh et *parlamen*. (From a Chronicle in the Provençal language, Vaissète, III., Preuves, p. 50.)

[And when the said Count of *Montfort* saw that there was no other help for it, he betook himself to Pamiers, where he summoned a great council and *parliament*. (From a Chronicle in the Provençal language, Vaissète, III., Proofs, p. 50.)]

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terræ suæ, apud Castrum Apamiarum celebraturus *colloquium generale*^a. Causa autem colloquii hujus ista fuit, ut Comes noster, in terra quam acquisierat.....institutui faceret bonos mores, hæretica spurcitia procul pulsa, quæ totam corruperat terram illam, bonæ tam cultu religionis Christianæ, quam etiam de temporale pace et quiete consuetudines plantarentur. Terra siquidem illa, ab antiquis diebus depredationibus patuerat et rapinis, opprimebat quippè potens impotentem, fortior minus fortem. Voluit igitur Comes nobilis, cunctas consuetudines fixosque limites terræ dominis ponere, quos transgredi non liceret, quatenus etiam milites de suis certis et rectis redditibus rectè viverent: minor etiam populus sub alis dominorum posset vivere, immoderatis exactionibus non gravatus: ad quas consuetudines statuendas, *electi fuerunt viri duodecim* qui super sacrosancta Evangelia juraverunt, quod pro posse suo tales consuetudines ponerent, per quas ecclesia sua libertate gauderet, tota etiam terra in statu firmaretur meliori. De illis autem 12 electoribus, quatuor fuerunt Ecclesiastici, duo scilicet Episcopi, *Tholosanus* et *Consozanensis*, unus Templarius, unusque hospitalarius, quatuor præterea *Francigenæ Milites*, quatuor etiam indigenæ, duo milites et duo *burgenses*, per quos dictæ consuetudines satis competenter positæ et firmatæ^b. Ut autem consuetudines illæ inviolabiliter servarentur, antequam proferrentur in medium, nobilis Comes omnesque milites sui super quatuor Evangelia juraverunt,

A Committee of twelve elected in such Parliament, by whom the ordinances were to be made, such Committee being composed of two Bishops, one Knight Templar, one Knight Hospitaller, four French Knights, two Knights of the county, and two Burgesses.

^a As the Burgesses are mentioned in the Committee of Twelve it is probable that they also formed a part of the assembly.

^b This Committee seems to have furnished the precedents for the appointment of a similar body in the Parliament of Oxford, 1258. The French Knights were those to whom Simon de Montfort had granted fiefs in the county of Toulouse,—“on voit par ces statuts, que *Simon de Montfort* avoit disposé dès lors, en faveur de divers chevaliers François, des terres qui avoient été confisquées sur la noblesse du país qui avoit eu le malheur d’embrasser ou de favoriser l’hérésie, ou de se déclarer contre ce général.” (Vaissète, III., p. 234.) [We see by these statutes that *Simon de Montfort* had disposed from that time forward, in favour of certain French knights, of the lands which had been confiscated from the nobles of the county who had had the misfortune to embrace or favour heresy or to declare themselves opposed to this general.]

quod supra memoratas consuetudines nunquam præsumeret **Part II.** violare: ut etiam majorem obtinerent firmitatem redactæ sunt in scriptum, sigillo etiam Comitis et omnium Episcoporum qui ibi plures erant firmatæ et munitæ. (Chron. Petri Vallis, Duchesne, V. p. 624.)

[In the year of our Lord's Incarnation 1212, in the month of November, the noble Earl de *Montfort* summoned together the Bishops and Nobles of his land at Pamiers to attend a *general parliament*. The reason for this assembly was that our Earl, in the land which he had acquired, might cause good morals to be established, all the heretical filth which had corrupted the whole land to be driven out, and good ordinances to be implanted therein by the culture of the Christian religion as well as by temporal peace and quiet. For that land had been exposed from ancient times to depredation and rapine, the powerful indeed oppressing the less powerful, the stronger the weaker. The noble Earl therefore wished to lay down for the lords of the land all their ordinances and fixed boundaries, which they must not cross, so that both the knights might live uprightly on their fixed and rightful revenues; and also the lower classes might be able to live under the wings of their lords, without being oppressed with immoderate exactions. And to determine these ordinances *twelve men were elected*, who swore on the Holy Gospels that they would lay down such ordinances to the best of their ability, that by them the church should rejoice in her freedom and the whole land be established on a better foundation. Moreover of the twelve electors, four were Churchmen, to wit two Bishops, of *Toulouse* and *Conserans*, one Templar, one Hospitaller, four *French knights* in addition, also four natives of the country, two knights and two *burgesses*, through whose agency the aforesaid ordinances should be firmly and well laid down. And in order that these ordinances should be inviolably kept, before they were published, the noble Earl and all his knights swore over the four Gospels that they would never presume to violate the above-mentioned ordinances. They were also reduced to writing in order that they might be more firmly established, and they were confirmed and strengthened also by the seal of the Earl and all the Bishops who were present in great number. (Chronicle of Pierre de Vaux-Cernay.)]

Idemque Legatus ibidem *Tholosæ* post ætatem consilium celebravit, cui interfuerunt *Narbonensis, Burdigalensis,*

1229.
Council or Parliament
held before the Papal
Legate at Toulouse.

Part II.

By this assembly the inquisition was established.

Auxitanensis, Archiepiscopi, et Episcopi multi et alii prælati. Item adfuerunt Comes *Tholosanus* et alii Comites præter *Fuxensem*, Barones et Senescallus *Carcassonæ* et Consules *Tholosani*, duo, unus de civitate et alius de Burgo, qui statuta pacis in totius universitatis animam juraverunt et tam Comes quam cæteri illud approbaverunt, et fecerunt et idem fecit postea tota terra. (Chron. Guill. de Podio, Duchesne, V. p. 691.)

[And in that place, to wit *Toulouse*, this same Legate held a Council after summer, and there were present the Archbishops of *Narbonne*, *Bordeaux* and *Auch* and many bishops and other prelates. And there were also present the Count of *Toulouse*, and the other Counts, with the exception of the Count of *Foix*, the Barons and Seneschal of *Carcassonne* and the Consuls of *Toulouse*, two in number, one from the county and another from the city, who swore the statutes of peace in the name of the whole community, and also the Earl and the rest approved of this and did the same; and the whole land afterwards did likewise. (Chronicle of Guillaume de Puy Laurens.)]

1233.

Parliament held before Raymond, Count of Toulouse.

Nos *Raymundus*, Dei gratia Comes *Tolosæ*, de consilio et assensu Episcoporum et aliorum prælatorum, Comitum et Baronum, Militum et plurium aliorum virorum prudentum terræ nostræ statuimus, &c. (Labbe, Concilia, XI. p. 449.)

[We, *Raymond*, by the grace of God Count of *Toulouse*, with the counsel and consent of the Bishops and other prelates, Counts and Barons, Knights and several other discreet men of our land, have enacted &c. (Labbe, Councils, XI. p. 449.)]

(4.)

1254.

Knights and Burgesses of Beaucaire present their petitions complaining of certain grievances, and the King grants, that the Seneschal shall not prohibit the exportation of corn, &c. at his pleasure.

Ludovicus D. G. *Francorum* Rex, universis præsentibus litteras inspecturis salutem. Visis petitionibus et discussis, quas fideles nostri milites et burgenses *Belliquadri* nobis obtulerunt, super variis gravaminibus quæ per ballivos nostros sibi asserunt irrogari; Sane ut rebus suis uti liberius eisdem liceat, firmiter inhibemus, ne senescalli nostri pro suæ voluntatis arbitrio; bladi vel vini, vel aliarum rerum venalium ipsis faciant interdictum; quin ea eis liceat exportare, vel exportare volentibus vendere: hac tamen moderatione subintellecta, ut arma nullo tempore Saracenis

vel victualia, dum guerram cum Christianis habuerint, sed **Part II.**
 nec quibuscumque nobiscum guerram habentibus liceat
 exportare. Si tamen causa urgens institerit, propter quam
 videatur interdictum hujusmodi faciendum, congreget senes-
 callus consilium non suspectum, in quo sint aliqui de prælatis,
 baronibus, militibus et hominibus bonarum villarum; cum
 quorum consilio dictum faciat interdictum; et semel factum,
 absque consilio consimili non dissolvat; nec interdicto
 durante, prece vel pretio, cuiquam faciat gratiam specialem.
 Quod ut ratum et stabile permaneat, præsentēs litteras
 sigilli nostri fecimus impressione muniri. Actum apud S.
 Egidium anno Domini mcliv., mense Julio. (Vaissète,
 Histoire de Languedoc, tom. III. Preuves, p. 507.)

Exportation not to be
 prohibited except by the
 advice of the Prelates,
 Barons, Knights, and Men
 of the good towns.

[*Louis*, by the grace of God, King of the *Franks*, to all who shall see these present writs, greeting. After seeing and discussing the petitions which our faithful Knights and Burgesses of *Beaucaire* have presented to us on the matter of the various grievances which they assert are being inflicted on them by our officers. . . . Therefore in order that they may be allowed to enjoy their goods with greater freedom, we do firmly prohibit our seneschals from placing an interdict at their own goodwill and pleasure on corn or wine or other articles for sale, but that they may be lawfully exported, or sold to those who wish to export them, with this qualification however understood, that at no time is it lawful to export arms or provisions to the Saracens, while they are at war with Christians, nor to any other people who may be at war with us. If however any urgent cause should supervene for which it seems expedient to impose such prohibition, the seneschal shall summon a meeting openly and without suspicion, at which shall attend some of the prelates, barons, knights and men of good towns, and acting on their advice let the interdict be imposed, and when it has once been imposed let it not be removed without a similar council; and while the interdict lasts let it not do a special favour to anyone for entreaty or reward. . . . And that this may remain ratified and firm, we have caused these present writs to be fortified with the impression of our seal. Given at St. Gilles in the year of our Lord 1254, in the month of July. (Vaissète, History of Languedoc, Vol. III. Proofs, p. 507.)]

This ordinance is, as nearly as possible, in the old English parliamentary form,—a charter granted upon the petition

Part II

of the legislature. The charter for Beaucaire only has been preserved; but it will be seen from the next document, that the same proceeding had taken place in Carcassonne.

(5.)

Procès verbal de la tenue d'une assemblée des trois états de la sénéchaussée de *Carcassonne*.

1269.

Consuls of Narbonne pray that the exportation of corn may be prohibited according to the statute.

Noverint universi quod Anno Domini m^cclxix., viii. kal. Augusti, viri venerabiles et discreti, consules urbis et suburbii *Narbonæ*, ad præsentiam Domini *Guillielmi de Cohardon* militis senescalli *Carcassonnæ* et *Biterris* accedentes, cum instantia petierunt, ut bannum faceret de blado de dicta senescallia non extrahendo, ex causis quæ inferius exprimentur. Sed cum juxta statutum Domini Regis juratum, hujusmodi deffensum fieri sit prohibitum, sine causa urgente; et tunc etiam cum bono et maturo consilio nec suspecto sit faciendum, et factum cum consilio, sine consilio non sit dissolvendum, nec eo durante, tanquam sit facienda gratia specialis; prædictus senescallus ad habendum hujusmodi consilium convocavit prælatos, *terrarios*, barones, milites, consules, et majores communitatum infra-

5.

[The minutes of the holding of an assembly of the three estates of the seneschals of *Carcassonne*.

Let all men know that in the year of our Lord 1269 on the 25th day of July, venerable and discreet men, consuls of the town and district of *Narbonne*, did come to the presence of Lord *William de Cohardon*, Knight, Seneschal of *Carcassonne* and *Biterre*, and did urgently request that he should make proclamation forbidding the exportation of corn from the aforesaid community, for reasons which are stated below. But when in accordance with the sworn statute of the Lord King, a prohibition of this kind was not permitted without urgent cause; and that moreover it had to be imposed with the advice of a good and mature council open and above suspicion, and when once imposed with their advice, it could not be removed without their sanction, nor while it lasted could any special favour be granted, the aforesaid seneschal convened the prelates, *tenants-in-chief*, barons, knights, consuls and elders of the communities written below to hold a council of this kind, on

scriptos, in die Dominica post festum *Beati Nazarii*, ad **Part II.** ipsum veniant *Carcassonæ*; ad præstandum sibi consilium in prædictis, per suas litteras sub hac forma.

Venerabilibus in Christo patribus, D. M. Dei gratia Archiepiscopo *Narbonæ*, *Biterrensi*, *Agathensi*, *Lodovensi*, *Magalonensi*, et *Albiensi* Episcopis, et Domino electo *Carcassonæ*, et capitulis eorum; Abbati *Crassensi* [and 35 other Abbots, Priors, &c.].

Write or writs of summons to the Prelates, Barons, and Communities.
[Compare with the writs of summons to the Mal-lum.]
(See above, p. 814, &c.)

Domino *Philippo de Monte-forti*. Domino *Guidoni de Levis*, Marescallo *Albigesi*. Domino *Johanni de Brueriis*. Domino *Almarico* Vicecomiti *Narbonæ*. Domino *Lamberto de Limoso*. Domino *Symone de Limoso*. Domino *Geraldo de Canesuspenso*. *G. de Vicinis*. Domino *Ramundo Abbanni*. Domino *Guillelmo Abbanni*. Domino *Gaufrido de Caldaireno*. Domino *Philippo Goloy*n, Majori. Domino *Stephano de Darderiis*, *Philippo de Bosco-Arcambaudi*. Domino *Guillelmo Acurati*. Domino *Rainfrido Ermengaudi* fratri ejus. Domino *Jordano de Cabareto*. Domino *Lamberto de Montilio*. Domino *Isarno* Vicecomiti *Lautricensi*. Domino *Amalrico*. Domino *Bertrando* fratribus ejus. Domino *Jordano de Saxiacho*. Domino *Berengario de Podio Sorigario*. *Aymerico de Boysiacis*. *Berengario Guillelmo* Domino *Claromontis*. Domino *Guillelmo de Lodeva*. Domino *Petro de Claromonte*. Consulibus *Carcassonæ*. Consulibus *Biterris*. Consulibus de *Capite Stagni*. Consulibus *Agathens*. Consulibus *S. Tyberii*. Consulibus *Pedenacii*. Consulibus de *Caucio*. Consulibus de *Serviano*. Consulibus *Clari-Montis*. Dominis et Consulibus de *Gigniacho*. Consulibus de *Porc*. Consulibus de *Florenciacho*. Consulibus de *Serinhano*. Consulibus civitatis *Albiensis*. Consulibus de *Castris*. Consulibus *Lautricensibus*. Consulibus de *Saxiacho*. Consulibus *Montis-regalis*.

the Sunday after the festival of *St. Nazaire*; and they were summoned to come to *Carcassonne* to offer him counsel on the above matters, by means of his writs issued in this form:

To the venerable fathers in Christ, to M. the Lord Archbishop of *Narbonne* by the grace of God; to the Bishops of *Béziers*, *Agde*, *Lodève*, *Maguelone* and *Albi* and the Lord Bishop Elect of *Carcassonne* and to their communities; to the abbot of *Grasse* [and 35 other Abbots, Priors, &c.].

To the Lord *Philip de Montfort* [and 26 other notables]. To the Consuls of *Carcassonne* [and of 25 other towns]. *William*

Part II.

Consulibus *Limosi*. Consulibus *Montis-Olivi*. Consulibus *Electi*. Consulibus *Crassensibus*. Consulibus *Asiliani*. Consulibus de *Cauris*. Consulibus de *Tribusbonis*. Consulibus de *Pipionibus*, *Guillelmus de Cohardon*, Miles, Senescallus *Carcassonnæ* et *Biterris*, salutem et sinceram dilectionem cum honore. Cum per viros venerabiles consules urbis et suburbii *Narbonæ* fuerimus cum instantia requisiti, ut deffensum bladi de nostra senescallia extrahendi faciamus ex causis, quas die assignanda inferiùs audietis; et hoc sine causa urgente, secundum statutum regium, sit minime faciendum; et tunc etiam cum bono et maturo consilio nec suspecto fieri debeat, et factum cum consilio, sine consilio non dissolvi, nec eo durante cuiquam gratia fieri specialis; requirimus vos et mandamus, quatinus die Dominica post festum *Beati Nazarii*, videlicet xi. mensis Augusti, ad nos apud *Carcassonam* veniatis ad præstandum nobis bonum et maturum consilium in prædictis, cum prælatis, terrariis, baronibus, et bonarum villarum consulibus, ad hoc per nos specialiter convocatis. Datum *Carcassonnæ* vii. kal. Augusti Anno Domini mccclxix., *reddite litteras portitori*^a.

de Cohardon, Knight, Seneschal of *Carcassonne* and *Béziers*, gives greeting and sincere love with honour. Since by the venerable men, consuls of the city and district of *Narbonne*, we have been urgently requested to make a prohibition of the export of corn from our seneschalsy, for reasons you will hear on the day below assigned, and since this could not be done at all without urgent cause, according to the royal statute, and even then it must be done only with the consent of a good and mature Council, open and above suspicion, and when once the prohibition has been made with the advice of this Council it cannot be removed without its advice, and since while it is in force no special favour can be shown to anyone; we do hereby require and command you to come to us at *Carcassonne* on the Sunday after the festival of *St. Nazaire*, to wit on the 11th day of the month of August, to offer to us good and mature counsel on the above matter together with the prelates, tenants-in-chief, barons and consuls of good towns, specially summoned by us for this purpose. Given at *Carcassonne* on the 15th day of August in the year of our Lord 1269. *Restore the writs to the bearer*.

^a It might appear at first, that this was one general writ shown to each party, and returned to the bearer; but I apprehend

Qua die, prædicti prælati, barones et consules, pro majori **Part II.** parte comparuerunt apud *Carcassonam*, coram prædicto Senescallo, præsentibus Domino *Arnulpho de Curia-Ferrandi*, milite Domini Regis *Franciæ*, et Domino *Raymundo Marchi*; —videlicet Archiepiscopus *Narbonæ*, Dominus *P.* Episcopus *Biterrensis*. Dominus *P.* Episcopus *Agathensis*. Dominus *R.* electus in Episcopum ecclesiæ *Carcassonæ*. Abbas *Crassensis*. Abbas *Montis-Olivi*. Abbas *Caunensis*. Abbas *Villæ-longæ*. Abbas *S. Polycarpi*. Abbas *S. Pontii Tomeriarium*. Abbas *Electensis*. Abbas *Jocundensis*. Abbas *S. Jacobi Biterrensis*. Dominus *Phillippus de Monte-forti*. Dominus *Guido de Levies*, Marescallus *Albigesi*. Dominus *Isarnus Vicecomes Lautricensis*. Dominus *Bertrandus*, frater ejus. *Guillelmus de Vicinis*. Dominus *Geraldus de Cane-suspenso*. Dominus *Johannes de Brueriis*. Dominus *Gaufridus de Varanis*. Dominus *Philippus Goloynh*. Dominus *Bertrandus de Podio-Sorigario*. *Aymericus de Bociasse*. *Berengarius Guillelmi* Dominus *Clari-montis*. Consules *Carcassonæ*. Consules *Biterris*. Consules *Montis-Regalis*. Consules *Limosi*. Consules *Asiliani*, et multi alii de villis prædictis, et de aliis locis, et exposita eis supplicatione

On this day the aforesaid prelates, barons and consuls for the most part appeared at *Carcassonne* before the aforesaid Seneschal, in the presence of Lord *Arnulph de Cour-ferrand*, Knight of the Lord King of *France*, and Lord *Raymund of March*: to wit, the Archbishop of *Narbonne*, the Lord *P.* Bishop of *Béziers*. The Lord *P.* Bishop of *Agde*. The Lord *R.* Bishop-Elect of *Carcassonne*. The Abbot of *Grasse*. The Abbot of *Montolieu*. The Abbot of *Caunes*. The Abbot of *Longueville*. The Abbot of *St. Polycarpe*. The Abbot of *St. Pons de Thomières*. The Abbot of *Aleth*. The Abbot of *St. Jacques de Jocou*. The Abbot of *St. Jacques de Béziers*. The Lord *Philip de Montfort* [and 11 other notables]. The Consuls of *Carcassonne* [and of 4 other towns] and many others from the aforesaid towns and from other places. And when the plea for the above-mentioned

that, as in the next case, the writs were special, and that the general address was framed by the notary or the clerk, out of the (See below, p. 840.) special or specific addresses. In the English records, one writ to one individual is entered at length on the roll, and then a schedule is added, containing the names of the other persons summoned.

Part II.

The Estates refuse their
assent to a general pro-
hibition.

deffensi supradicti et habita deliberatione usque in crastinum expectata, Dominus Archiepiscopus *Narbonensis*, et Dominus *Philippus de Monteforti* memorati, pro prælatis et *terrariis*^a responderunt prædicto senescallo, in hunc modum; consulentes eidem senescallo. Videlicet quod sit magna bladi abundantia in senescallia *Carcassonæ*, et bladum non sit carum in mercatis, non videtur eis, quod deffensum generale de blado non extrahendo de senescallia *Carcassonæ*, per mare vel per terram, sit faciendum, nec fieri consulunt.

prohibition was made known and the deliberation upon it was adjourned to the next day, the Lord Archbishop of *Narbonne* and the Lord *Philip de Montfort* above-mentioned, on behalf of the prelates and *tenants-in-chief*, advising the aforesaid Seneschal, replied to the same as follows. To wit that as there was great abundance of corn in the seneschalsy of *Carcassonne* and as corn was not dear in the markets, it did not seem advisable to them that a general prohibition of the export of corn by sea or by land from the seneschalsy of *Carcassonne* should be imposed, nor did they advise it. . . .]

[They then advise that the exportation of grain to the Saracens, the men of Pisa, and other enemies of the Holy Church, be prohibited, but allow of such exportation to Sicily, &c.]

. quod bonorum virorum consilium prædictus senescallus, de multorum aliorum bonorum virorum consilio, approbavit et acceptavit; et prædictum consilium publicavit et solemniter edidit edictum proponendum, quod quicumque in contrarium fecerit, bladum hujusmodi in commissum incidat, &c. (Vaissète, *Hist. de Languedoc*, III. Preuves, pp. 585, 586, 587.)

[...and the Seneschal aforesaid approved and accepted this counsel of good men representing the counsel of many other good men, and he published the aforesaid counsel, and solemnly issued an edict, setting forth that whosoever shall act to the contrary, his corn should be liable to forfeiture, &c. (Vaissète, *History of Languedoc*, III. Proofs, pp. 585, 586, 587.)]

^a The *Terrarii* seem sometimes to be considered as a class distinct from the Baronage. (Du Cange.)

(6.)

Part II.

Assemblée tenuë à *Beziers* des trois Etats de la séné-
chaussée de *Carcassonne*.

Noverint universi, quod cum aliquæ personæ quarumdam ^{1271.}
bonarum villarum de senescallia *Carcassonnæ* exposuissent ^{Estates of Carcassonne.}
Gaufrido de Avesia vicario *Biterrensi* Domini regis, tenenti
locum Domini *Guillelmi de Cohardon* militis, senescalli
Carcassonnæ et *Biterris*, quod propter messes steriles bladi
caristia imminebat, et cum instantia supplicassent, ut
habito consilio, juxta regale statutum, deffensum faceret
generale de blado non extrahendo de senescallia *Carcassonnæ*
et *Biterris*: prædictus tenens locum dicti Domini senescalli
ad habendum super his consilium, prælatos, et barones et
consules et communitates civitatum et aliarum bonarum
villarum de senescallia *Carcassonnæ* et *Biterris*, per suas
patentes litteras, apud *Biterrim* convocavit, in hunc modum.

Reverendo Patri in Christo Domino M. Dei gratia
Archiepiscopo *Narbonensi*, et capitulo ecclesiæ ejusdem,
Gaufridus de Avesia, Vicarius *Biterrensis*, locum tenens
Domini Senescalli *Carcassonnæ* et *Biterris*, salutem et sinceram

Writ of summons to the
Archbishop and Chapter
of Narbonne. (Compare
with the English Parlia-
mentary Writs.)

6.

[Assembly held at *Béziers* of the Three Estates of the
Seneschalsy of *Carcassonne*.

Be it known to all men that whereas some persons of certain
good towns of the Seneschalsy of *Carcassonne* have made known
to *Geoffrey d'Aveze*, the Lord King's Vicar at *Béziers*, lieutenant
of *William of Cohardon*, Knight, Seneschal of *Carcassonne* and
Béziers, that on account of poor harvests a scarcity of corn is
imminent, and have urgently supplicated him that he should
hold a council in accordance with the King's statute, and
decree a general prohibition of the exportation of corn from
the Seneschalsy of *Carcassonne* and *Béziers*, the aforesaid
lieutenant of the above-mentioned Lord Seneschal, by his letters
patent, has summoned the prelates, barons, consuls and com-
munities of the cities and other good towns of the Seneschalsy
of *Carcassonne* and *Béziers*, to take their advice on this matter
at *Béziers*, in the following manner:

To the reverend father in Christ, Lord M., by the grace of
God, Archbishop of *Narbonne*, and to the chapter of his Church,
Geoffrey d'Aveze, Vicar at *Béziers*, lieutenant of the Lord
Seneschal of *Carcassonne* and *Béziers*, greeting and sincere

Part II.

dilectionem. Cum propter messes steriles, et bladi caristiam imminuentem, à quibusdam fuerimus cum instantia requisiti, de deffenso generali faciendo, ne bladum extrahatur per mare vel per terram de senescallia *Carcassonæ* et *Biterris*; et ad hoc ad diem Jovis post festum S. Laurentii, apud *Biterrim*, consilium prælatorum, et baronum, et aliorum bonorum virorum, prout in statutis regalibus continetur, duximus convocandum; requirimus vos, rogamus et mandamus, quatinus ad dictum consilium, die et loco prædictis, veniatis, ad præstandum nobis bonum consilium, quid super his agere debeamus. Datum *Carcassonæ*, mense Augusti, Anno Domini mclxxi. *Reddite litteras*^a.

Prelates.

Item sub eodem modo et forma, de verbo ad verbum, scripsit reverendis in Christo Patribus Dominis *Biterrensi*, *Agathensi*, et *Lodovensi*, Episcopis, et capitulis suarum ecclesiarum. Item, Domino electo et capitulo ecclesiæ *Carcassonæ*. Item, viris venerabilibus et discretis abbatibus de *Monte-Olivo*, &c. [and 15 other abbots].

Barons.

Item nobilibus viris *Aymerico* Vicecomiti *Narbonæ*,

affection. Since on account of the poor harvests and the imminent scarcity of corn we have been urgently requested by certain men to make a general prohibition, so that no corn might be exported by land or sea from the Seneschalsy of *Carcassonne* and *Béziers*, we have thought good that a council of the prelates, barons, and other good men should be summoned in accordance with the King's statutes to consider this on Thursday after the festival of St. Laurence at *Béziers*. We do hereby require, ask and command you to come to the aforesaid Council on the day and at the place above-mentioned to offer to us good counsel as to what we ought to do in this matter. Given at *Carcassonne*, in the month of August, in the year of our Lord 1271. *Restore the writs*.

Also in the same manner and in the same form, word for word, he wrote to the reverend fathers in Christ, the Lord Bishops of *Béziers*, *Agde*, and *Lodève*, and to the chapters of their churches. Also to the Lord Bishop Elect of *Carcassonne* and the chapter of his church. Also to the venerable men and discreet abbots of *Montolieu*, &c. [and 15 other abbots].

Also to the noblemen *Aymeric*, Sheriff of *Narbonne*, to

^a The writ was probably to be returned to the messenger, in order that he might certify his service thereof, by indorsement.

Amalrico, fratri ejus; Domino *Isarno*; Domino *Bertrando* Part II.
 Domino *Amalrico* fratribus Vicecomitibus *Lautricensibus*;
 et Domino *Lamberto de Montilio*, et Domino *Stephano de*
Darderiis senescallo terræ uxoris et liberorum Domini
Philippi de Monteforti quondam. Item nobili viro Domino
Guidoni de Levis, Marescallo *Mirapisci*. Item nobilibus
 viris Domino *Lamberto de Tureyo*, Domino *Gualfredo de*
Felgariis, Domino *Aymerico de Bossiassis*, *Berengario Guil-*
elmi, Domino *Claromontis*. Item discretis viris Præcep-
 toribus de *Bozincho*, [and 4 others].

Item consulibus et communitatibus *Narbonæ*, *Carcassonæ*, Towns.
Biterræ, *Agathæ*, et *Lodevæ*^a. Item abbatibus *Castrensi*, et
Candillii, et *Ardorelli*. Item capitulo ecclesiæ *Albiensis*.
 Ad quam diem et locum, de prædictis prælatis, baronibus,
 consulibus et communitatibus convocatis venerunt infra
 scripti. Videlicet venerabilis pater Dom. Episcopus *Ag-*
tensis. Item, *Raymundus Vayneti* Canonicus *Lodovæ*, cum Members attending.
 mandato procuratorio Domini Episcopi *Lodovensis*. Item,
 Petrus camerarius *Montis-Olivi*, cum mandato procuratorio
 Domini Abbatis *Montis-Olivi*. Item Dominus *B. Sacrista*

Amalric his brother; to the Lord *Isarn*; to the Lord *Bertrand*
 and the Lord *Amalric* his brothers, Sheriffs of *Lautrec*, and to
 the Lord *Lambert de Monteil* and the Lord *Stephen de Dardeis*,
 seneschal of his wife's land and that of the children of the late
 Lord *Philip of Montfort*. Also to the nobleman Lord *Guido de*
Levis, Marshal of *Mirepoix*. Also to the noblemen the Lords
Lambert de Turei, *Gualfrid de Faugères*, *Aymeric de Boussagues*,
Berengarius son of *William*, Lord of *Clermont*. Also to the
 discreet men the Preceptors of *Bozincho* [and 4 others].

Also to the consuls and communities of *Narbonne*, *Carcas-*
sonne, *Béziers*, *Agde* and *Lodève*. Also to the Abbots of *Castres*,
 and *Candeil* and *Ardore*. Also to the Chapter of the Church of
Albi. On this day and to this place there came of those
 aforesaid prelates, barons, consuls and communities which had
 received the summons those mentioned hereafter: to wit the
 venerable father the Lord Bishop of *Agde*. Also *Raymond*
Vayneti, Canon of *Lodève*, with the procuratorial mandate of the
 Lord Bishop of *Lodève*. Also Peter the Chamberlain of *Mont-*
olieu with the procuratorial mandate of the Lord Abbot of

^a The Communities of *Albi* and *Pézenas* were also summoned,
 as appears below (p. 843).

Part II.

ecclesiæ *Carcassonnæ*, et Dom. *Sancius Morlana* pro capitulo ecclesiæ *Carcassonnæ*. Item, frater *G.* prior claustralis monasterii *Crassensis*, procurator generalis ejusdem monasterii, abbate carentis. Item, *Raymundus de Avracio*, clericus, cum mandato procuratorio abbatis *Caunensis*. Item, Dominus Abbas *S. Pauli Narbonensis*, scilicet Dominus *Guiraudus*, et *P. Abbas S. Jacobi Biterrensis*, et Dominus *P. Abbas S. Affrodisii*, &c.

Consuls of the good towns
appearing for their com-
munities.

Item, *Aymericus*, Vicecomes *Narbonensis*, et *Amalricus* fratres. Item, pro Vicecomitibus *Lautricensibus*, littera approbationis de hoc quod fiet, per vicarium sigillata, cum sigillo Domini *Isarni*, Vicecomitis *Lautricensis*. Item, Dominus *Lambertus de Tureyo*. Item, *Ameyricus de Bociacis*, et *B. Guillelmi*. Item, Consules *Narbonæ*; videlicet *Johannes Benedicti*, *Petrus Abbati*, pro se et aliis conconsulibus, et pro communitate urbis et burghi *Narbonæ*. Item, Consules *Biterris*; scilicet *Guillelmus de Rivo-Sicco*, *B. Grassi*, *Pontius Torti*, *Rainfridus Bardoni*, *G. Villamagna*, *Bertrandus Salvator*, et *Paulus Cultelli*, pro se et pro communitate civitatis *Biterris*. Item, *B. Johannis*, et *G. Petrus Pitrelli*,

Montolieu. Also Dom. *B.* Sacristan of the Church of *Carcassonne* and Dom. *Sanche Morlane* on behalf of the Chapter of the Church of *Carcassonne*. Also, Brother *G.* prior of the cloistered monastery of *Grasse*, came as procurator general of this same monastery which was without an abbot. Also *Raymund de Auriac*, clerk, with the procuratorial mandate of the Abbot of *Caunes*. Also, the Lord Abbot of *St. Paul of Narbonne*, to wit the Lord *Guiraud* and *P.* the abbot of *St. James of Béziers* and the Lord *P.* Abbot of *St. Aphrodise*.

Also *Aymeric*, the Sheriff of *Narbonne* and *Amalric* his brother. Also, on behalf of the sheriffs of *Lautrec*, letters of approval of whatever should be done, sealed by a deputy with the seal of the Lord *Isarn*, Sheriff of *Lautrec*. Also the Lord *Lambert de Turei*. Also *Ameyric de Boussaques* and *B.* son of *William*. Also the consuls of *Narbonne*, to wit *John Benedict*, *Peter the Abbot*, on their own behalf and on behalf of their fellow-consuls and on behalf of the city and burgh of *Narbonne*. Also the Consuls of *Béziers*, to wit *William de Riusec*, *B. Grassi*, *Pontius Torti*, *Rainfrid Bardoni*, *G. Villemagne*, *Bertrand Salvator* and *Paul Cultelli*, on their own behalf and on behalf of the community of the town of *Béziers*. Also *B.*, son of *John* and *G. Peter*

Consules *Carcassonnæ*, pro se et aliis conconsulibus suis et **Part II.**

communitate *Carcassonnæ*. Item, *Guillelmus Grava*, pro consulibus et communitate *Albiæ*, cum mandato procuratorio sigillato cum sigillo pendenti consulum civitatis *Albiæ*: sed et alii vocati non venerunt: sed curia Archiepiscopi *Narbonensis* excusavit litteratoriè ipsum Archiepiscopum, quod iter arripuerat eundi in *Franciam*^a. Item, Abbas *S. Poncii Thomeriarum* excusavit se per suam litteram, approbans quidquid ordinaretur cum consilio aliorum prælatorum. Item, multi alii fuerunt vocati, quorum litteræ præ manibus non habentur, de quibus venerunt infra scripti, videlicet Dominus Prior de *Cassiano*, et Dominus Br. de *Podio Sorigario*, et *Johannes de Insula*, et Consules de *Pedenacio*; scilicet, *G. de Aureliaco*, et *Petrus Bernardi*. A quibus omnibus supradictis, Vicarius *Biterris*, locum tenens Domini Senescalli *Carcassonnæ* et *Biterris*, super prædicto deffenso faciendo, et de modo, et de forma, juxta regale statutum, consilium requisivit. Omnes autem prædicti qui venerant, prout superius sunt nominati, necnon et multi alii boni viri,

Procurator, appointed by the Consuls of Albi, appearing for the Consuls and Community.

Excuses or excuses of defaulters.

Pitrelli, the Consuls of *Carcassonne*, on their own behalf and on behalf of their fellow-consuls and the community of *Carcassonne*. Also *William Grava*, on behalf of the consuls and community of *Albi* with the procuratorial mandate sealed with the hanging seal of the consuls of the town of *Albi*, but the others who were summoned did not come; but the court of the Archbishop of *Narbonne* sent excuses by letter for the Archbishop because he had started on a journey to *France*. The Abbot of *St. Pons de Thomières* excused himself in a letter, stating his approval of any measure adopted with the counsel of the other prelates. There were many also of those who had been summoned whose letters did not come to hand but on whose behalf the men named below came, to wit the Lord Prior of *Cassan*, the Lord Br. de *Puyserguier*, *John de L'Isle* and the Consuls of *Pézenas*, to wit, *G. de Aurillac* and *Peter Bernardi*. The Vicar at *Béziers*, lieutenant of the Lord Seneschal of *Carcassonne* and *Béziers*, asked the counsel of all those mentioned above on the matter of imposing the prohibition before-mentioned and of its method and form according to the King's statute. Moreover all the above-mentioned men who came and whose names are

^a A curious expression, as showing that, in common language, the *Langue d'oc* was not considered as *France*.

Part II.

The Estates enact the prohibition.

videlicet Dominus *Raymbaudus de Salve* Miles Judex Domini Senescalli, Magister *Bartholomæus de Podio*, Domini Regis *Franciæ* clericus, Judex *Carcassonæ*, Magister *Simon* Judex *Biterrensis*, Dominus *P. de Figiu*, Miles de *Biterris*, *Guiscardus Ermengaudi*, *R. de Montefetosis*, *G. Aynardi*, *G. Petri* jurisperitus, et multi alii boni viri, cum aliis supra nominatis, in palatio *Biterrensi* Domini regis congregati, consuluerunt prædicto tenenti locum senescalli *Carcassonæ* et *Biterris*, quod faciat generale deffensum, ne aliquis extrahat bladum de senescallia *Carcassonæ* et *Biterris*, per mare vel per aliam aquam, vel per terram, hinc ad futurum festum nativitatis Beati Johannis Baptistæ sub pœna commissi ipsius bladi; præterquam ad civitatem *Aconensem*.—[Various regulations follow.] (Vaissète, III. p. 603.)

given above and many other good men as well, to wit the Lord *Raimbaud de Sauve*, Knight, Judge of the Lord Seneschal, Master *Bartholomew de Puy*, clerk of the Lord King of *France*, Judge of *Carcassonne*, Master *Simon*, Judge of *Béziers*, Lord *P. de Figeac*, Knight of *Béziers*, *Guiscard Ermengaud*, *R. de Montefetosis*, *G. Aynard*, *G. Petri* the lawyer, and many other good men, together with the others named above, assembled in the palace of the Lord King at *Béziers*, did counsel the aforesaid lieutenant of the Seneschal of *Carcassonne* and *Béziers* that he should make a general prohibition that no one should export corn from out the Seneschalsy of *Carcassonne* and *Béziers*, by sea or by any other water or by land, henceforward until the coming festival of the Nativity of St. John Baptist, under the penalty of having his corn confiscated; furthermore to the town of *Acon*. (Vaissète, III. p. 603.)]

DIVISION OF FRANCE INTO NATIONS.

France possessed by distinct nations (see Part I., p. 470).

THE want of unity in what we term the "Kingdom of France," is emphatically shown by a remarkable passage in the Epistles of Ivo of Chartres. (Ep. 104. Bouquet, XV. p. 144.) By the advice of this learned and influential Prelate, Louis le Gros was crowned at Orleans (1108). The Clergy of Rheims expostulated loudly against such an invasion of their rights. Ivo replied by a circular letter or

declaration, in which he attempts to show that the con- Part II.
secration at Orleans was valid according to custom, reason
and law.—One of his arguments is the following. “Præterea,
“quæ ratio est *Belgicorum*, Regem suum creare et con-
“secrare, quamvis in aliis provinciis regnaturus sit, si ita
“ipsorum Regum voluntas, et temporum atque locorum
“opportunitas se obtulerit: eadem est *Celticorum* et *Aqui-*
“*tanorum*, qui *Belgicorum* provinciæ *nihil debent*, Regem
“suum, quamvis et in *Belgicâ* regnaturus sit, eligere, et
“omne regi debitum obsequium exhibere” [Furthermore
just as the *Belgians* claim to create and consecrate their own
King even though he may occupy the throne in other pro-
vinces, if such be the wish of the Kings themselves and
opportunity of time and place presents itself, even so the
Bretons and *Aquitonians* who are *under no obligation* to the
province of Belgium claim to elect their own King, even
though he will occupy the throne in Belgium, and to show
to the King all bounden duty].—The nations were separate:
but if any one took the lead, the others were bound to
follow.

DOMESDAY SURVEYS.

THE regularity of the course adopted, when this record
was compiled, is very remarkable; and affords a satisfactory
proof that the business of the government was well conducted,
and with much less rudeness than is usually supposed. The
Commissioners were furnished with interrogatories, upon
which they examined the Jurors of the Shire and Hundred,
and also such other witnesses as they thought expedient^{a 1}.

Domesday Surveys, the
results of the verdicts of
Jurors (Part I., p. 222), and
also of other witnesses.

^a Hic subscribitur inquisicio terrarum quomodo barones
regis inquirunt, videlicet per sacramentum vicecomitis scire et
omnium baronum et eorum Francigenarum et tocius centuriatus
—presbiteri prepositi, vi. villani uniuscujusque ville; deinde
quomodo vocatur mansio, quis tenuit eam tempore Regis *Edwardi*,
quis modo tenet, quot hide, quot carruce in dominio, quot
hominum, quot villani, quot cotarii, quot servi, quot liberi
homines, quot sochemanni, quantum silve, quantum prati, quot
pascuorum, quot molendina, quot piscine, quantum est additum
vel ablatum, quantum valebat totum simul, et quantum modo;

Part II.

Portions of the original
inquisitions yet extant.
Inquisitio Eliensis.
Inquisitio de terris quas
laici tenuerunt in Gran-
tebrigscire.

Fragments of the original inquisitions have been preserved. Those relating to the lands and demesnes of the church of Ely, in the counties of Cambridge, Huntingdon, Essex, Norfolk, and Suffolk, and also to the possessions of the laity in the county of Cambridge, exist in one and the same manuscript^a, and disclose the plan which was pursued.

The Commissioners appear to have taken the account regularly through all the Hundreds and Townships, adding the particulars of live stock, as required by the circular instructions. Of these inquests it is probable that various transcripts were made: the Ely and Cambridge inquisitions are such; and the substance of the returns for Dorset, Somerset, Devon and Cornwall, and a part of Wilts, are included in the volume usually entitled the *Exon Domesday*^b.

Exon Domesday.

quantum quisque liber homo vel sochemannus habuit vel habet. Hoc totum tripliciter, scilicet tempore Regis *Æduardi*, et quando Rex *Willelmus* dedit; et qualiter modo sit, et si plus potest haberi quam habeatur. Isti homines juraverunt. (Then follow the names.) (*Inquisitio Eliensis*, p. 497.)

[Hereunder is written the manner in which the king's barons make an inquisition of the lands, to wit by the oath of the sheriff of the shire and all the barons and their French-born men and of the whole Hundred—the priest, the reeve, six villeins from each vill.—Next the name of the manor; who held it in the time of King *Edward*; who now holds it; how many hides and teams there are in demesne; how many tenants, villeins, cottars, bondmen, freemen, sokemen there are; how much woodland, meadow land, pasture land there is; how many mills and fisheries there are; how much has been added or taken away; what was the total value at that time and what now; how much each freeman or sokeman held or holds there? All this is to be given in triplicate, to wit in the time of King *Edward*; when King *William* gave the land; and the condition in which it is and if more can be had than is being had? These men have taken the oath. (Then follow the names.) (*The Inquisition of Ely*, p. 497.)]

^a Bib. Cott. Tiberius A vi. The manuscript appears to be of the reign of Henry II.; the first portion consists of the *Inquisitio Eliensis*, extending, as above mentioned, into five counties. It is followed by the inedited *Inquisitio de Terris*, &c.¹

^b It is preserved amongst the archives of the Cathedral of Exeter.

The lands are here generally classed under the name of each **Part II.** tenant in capite, though not with entire regularity: the particulars of stock are added as before.

Domesday^a itself consists of the returns, methodized according to a consistent, and, with the exception after noticed, a uniform plan. The Survey is comprised in two volumes; and the colophon at the end of the second enables

Exchequer Domesday.
Description of the
Volumes.

^a There are two *ancient* etymologies of this name: "Hic liber ab indigenis *Domesdei* nuncupatur, id est, *Dies Judicii*, per "metaphoram; sicut enim districti et terribilis examinis illius "novissimi sententia nulla tergiversationis arte valet eludi; sic, "cum orta fuerit in regno contentio de his rebus quæ illic anno- "tantur, cum ventum fuerit ad Librum, sententia ejus infatuari "non potest, vel impune declinari. Ob hoc nos eundem *Librum* "*Judiciarium* nominavimus." (Dialogus de Scaccario, p. 398.) [This book is called by the English *Domesday*, that is the *Day of Judgment*, by metaphor; for just as no sentence can be eluded by crafty subterfuge in that last close and terrible examination, so when any contention shall arise in the kingdom over those facts which are therein noted down, and recourse is had to the Book, its sentence cannot be made vain or disputed with impunity. Therefore we have called it the *Book of Judgments*. (Dialogue concerning the Exchequer, p. 398.)]

Stowe, on the contrary, quoting an ancient monastic chronicle, supposes that Domesday derived its name from the place in which it was deposited. "The Booke of Bermondsey saith, this "Book was laid up in the *King's Treasurie* (which was in the "Church of Winchester or Westminster), in a place called *Domus Dei*, or God's house; and so the name of the booke, therefore "called *Domus Dei*, and since, shortly, Domesday."

The latter derivation appears the most plausible. Some moderns have deduced "Domesday" from "Domboc"; but the Survey is never known by the latter name. *Domesdai*, whatever may have been its origin, soon became the denomination for any register of authority. A survey of the manors belonging to the Deanery of St. Paul's, taken in 1181, is entitled "*Domesday Petri de Diceto*." In the Cathedral of York there was a Domesday Register. A volume in the office of the Town-clerk of Norwich, containing entries of charters and customs, is entitled Domesday; and there is a similar volume at Ipswich. The Domesday of Chester, being a record more nearly approximating to the real Domesday, was preserved amongst the archives of the Earldom.

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us to ascertain the period when the transcripts were concluded^a. The descriptions are arranged in the following order. A notice of the special customs of the Shire and the description of the principal cities or burghs; "Terra regis," or the King's land, follows; and then the lands of the other possessors, duly classed and numbered. The substance of the information given by the inquisitions is retained, though somewhat in an abridged form; but all the particulars of the live stock are omitted, except in the counties of Norfolk, Suffolk and Essex, contained in the second volume. It was obviously unnecessary to insert these particulars in a permanent record, and it is not easy to understand why they were retained in the last-mentioned counties^b.

These volumes have always been preserved with great care. According to the usage of the Exchequer, no person is allowed to touch the writing; and if the finger chanced to stray upon the text, it is immediately warned off into the margin, by the vigilant keepers of the Record.

Various transcripts and abridgments were made for the convenience of the King's officers. One abridgment of this description appears to have been engrossed upon a roll^c; and it is, perhaps, from the use of this transcript that the name of the "*Roll of Winton*" was inaccurately given to the

Ancient transcripts of
Domesday.

^a Anno millesimo octogesimo sexto ab incarnatione Domini, vigesimo vero Regni *Willielmi*, facta est ista descriptio non solum per hos tres comitatus sed etiam per alios.

[In the year 1086 after our Lord's Incarnation, in the 20th year of the reign of King *William*, this survey was made not only throughout these three counties but also throughout others.]

^b The second volume is of a smaller size than the first, and it is not improbable that this difference indicates two stages in the "*redaction*" of the materials, namely, that a first abridgment was made, including the stock; and then, a second abridgment, in which the particulars were omitted, which second abridgment was completed for the counties in the larger volume, but left unfinished as to the remainder; so that, according to this supposition, the first or larger volume is an abridgment of a set, of which the second or smaller volume is the only one which remains.

^c Bib. Cott. Vitellius, C viii, f. 13. The fragment contains the survey of Kent. It consists of fourteen membranes or skins: the writing is only upon one side of the vellum.

Book of Domesday. There are three other copies, *book Part II. copies*, in the repositories of the Court of Exchequer; and it is possible that some one of these transcripts is alluded to, by the ancient, though not very early, authorities, which clearly testify the existence of two copies of Domesday, each considered as legal evidence^a.

Ingulphus, or rather the compiler to whom we owe the *rifacimento* which has so long passed current as the production of the venerable Abbot, speaks with great complacency, when he recounts the favour shown to his Monastery by the Domesday Commissioners. In order that the possessions of the Abbey might be protected against encroachments, they enlarged the site of the township, to double its real size^b. The description, however, to which Ingulphus refers, does not occur in any part of the volume: and the whole passage relating to Domesday is one of the many which tend to impugn the authenticity of the Croyland history.

But Domesday was really not considered as satisfactory to the fiscal greediness of the Anglo-Norman treasury. Ralph Flambard, of evil fame, recommended himself to the patronage and favour of William Rufus, by advising a new and more correct survey^c. All the hides of arable land were

Flambard's Domesday. Survey made by Rufus, at the instigation of Flambard, for the purpose of correcting the errors of the Exchequer Domesday.

Lands remeasured.

^a Thus, according to Rudbourn. *Eodem tempore factus est magnus liber; qui habitus est in Thesauro Westmonasterii et alius in Thesauro Ecclesiæ Cathedralis Wintoniæ vocatus Domesday.* (Anglia Sacra, I. 257.) [At that time the great book was made, which was kept in the Treasury of *Westminster* and another in the Treasury of the Cathedral Church at *Winchester*, called *Domesday*.] In the history of the foundation of *Burton Abbey*, land is more than once described, ut habetur in libro de *Domusdae* apud *Wintoniam* et *Westmonasterium* (Mon. III. p. 47) [as it is written in the Book of *Domesday* at *Winchester* and *Westminster*].

^b Ingulphus, p. 83.

^c Hic juvenem fraudulentis stimulationibus inquietavit Regem, incitans ut totius Angliæ reviseret descriptionem, Anglicæque telluris comprobans iteraret partitionem, subditisque recideret, tam advenis quàm indigenis, quicquid inveniretur ultra certam dimensionem. Annuente Rege, omnes carrucas, quas Angli *hidas* vocant, funiculo mensus est, et descripsit; postpositisque mensuris, quas liberales Angli jussu Edvardi Regis largiter dis-

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remeasured "by the line"; and the result of the operation, which curtailed each man's possessions exceedingly, gave a proportionate increase to the revenues of the Crown.

Ancient measures of land indicated its value and capability, rather than its superficial extent.

In the simpler stages of society, land was admeasured more by quality than by extent. The *Fanegada* of Spain was as much land as could be sown with a *Fanega* of wheat; and the same quantity of grain would spread more widely in a stony and arid glebe than in a more kindly soil. A Frankish *Mansus* was the allotment sufficient to maintain a family. The fields capable of being tilled by one plough in the course of one year, constituted the *Carrucate* or *Plough-land*. This mode of calculation, though rude, was equitable. It defined the value of the donation better than an enumeration of superficial acres. The term of measurement designated the capability and worth of the land which it comprised. In various parts of England, therefore, the carrucate differed exceedingly in quantity. The same denomination was applied to sixty, eighty, an hundred, an hundred and twelve, an hundred and twenty, and an

tribuerant, imminuit, et regales fiscos accumulans, colonis arva retruncavit. Ruris itaque olim diutius nacti diminutione, et insoliti vectigalis gravi exaggeratione, supplices Regiæ fidelitati plebes indecenter oppressit, ablatiis rebus attenuavit, et in nimiam egestatem de ingenti copia redegit.—Ord. Vital. 678.

[He disturbed the mind of the young King by fraudulent suggestions, inciting him to revise the survey of the whole of England, and advising him to make a new division of the English land, and to cut off from his subjects, both foreign and native, whatever land was found to be beyond a certain dimension. With the assent of the King, he measured all the carrucages which the English called *hides*, by the line, and thus surveyed them, and abolishing the measures which the generous English had, by order of King Edward, bountifully distributed, he lessened them and while swelling the royal purse, cut off from the farmers their land. Thus by diminishing the extent of the land which had been long in their possession, and by heavily increasing a tax to which they were unaccustomed, he shamefully oppressed the people, who looked to the King for protection; by robbing them of their goods, he reduced them to great straits and from a condition of great abundance he brought them to dire poverty. (Ordericus Vitalis, 678.)]

hundred and fifty acres^a. And the harshness of the con- Part II.
duct of William Rufus seems to have consisted in his causing the new survey to be made, throughout all England, by the smallest geometrical standard, without any respect to the quality of the land. The Domesday Commissioners received the verdicts of the Jurors, who stated the quantity of the land by estimation. The agents of Rufus took the measuring tape in their hands, and, in plotting out the carrucates, gave no more in superficial extent to the poorest than to the richest soil.

A general survey, made under such auspices, and intended to supply the deficiencies of Domesday, must excite our curiosity; and there is reason to suppose that a specimen of Flambard's Record has been accidentally preserved by its insertion in an ancient Lieger Book of Evesham Monastery^b. The fragment in question relates to the County of Gloucester. Differing wholly in arrangement from the Exchequer Domesday, it recognizes the same principle, by referring to the Confessor's reign as the period of legal prescription. The particulars are frequently much more ample than those in the Exchequer Domesday. The mention made of *Samson*, Bishop of Worcester, fixes the era of its compilation between 1097 and 1112. But the greater part of the tenants enumerated in the Exchequer Domesday were yet living: and, comparing these circumstances with the account of Flambard's proceedings, there will be little doubt, but that the Evesham fragment is a portion of the survey which he caused to be made^c. Possibly other fragments may be

Fragments of a Survey contained in a Lieger-book or Register of the Monastery of Evesham. Probability of its being Flambard's Domesday.

^a The principal passages relating to the ancient measurements of land have been industriously and judiciously collected and explained by Sir Henry Ellis (Domesday Introduction, p. 46).

^b Bib. Cott. Vespasian B xxiv. The fragment extends from f. 53 to f. 60. The very multifarious contents of this manuscript are not described in the Museum Catalogue, and hence, probably, the fragment has hitherto escaped notice.

^c The comparison of the following extracts from the two documents, will best explain the relation which they bear to each other:—

Exchequer Domesday.

Tempore Regis *Edwardi* reddebat Civitas de *Glowecestre* xxxvi. libras numeratas et xii. sextaria mellis ad mensuram ejusdem

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lurking among the miscellaneous matter contained in ancient ecclesiastical registers: for, as yet, comparatively

burgi et xxxvi. dicras ferri et c. virgas ferreas ductiles ad clavos navium regis et quasdam alias minutas consuetudines in aula et in camera regis.

Modo reddit ipsa civitas regi lx. libras de xx. in ora. Et de moneta vero habet Rex xx. libras.

In dominica terra regis tenet *Rogierius de Berchelai* unam domum et unam piscariam in ipsa villa et est extra manum regis. Hanc *Baldwinus* tenuit tempore Regis *Edwardi*.

Osbernus Episcopus tenet terram et mansiones quas *Edmarus* tenuit; reddunt x. solidos cum alia consuetudine.

Gaufridus de Manneville tenet vi. mansiones. Hæ tempore Regis *Edwardi* reddebant vi. solidos et viii. denarios cum alia consuetudine.

Willielmus Baderon, ii. mansiones de xxx. denariis.

Willielmus Scriba, i. mansionem tenet de li. denariis.

Rogierius de Laci, i. mansionem de xxvi. denariis.

Osbernus Episcopus, i. mansionem de xli. den. *Bernerus* unam mansion. de xiiii. denariis.

Willielmus Calvus, i. mansionem de xii. denariis.

Durandus Vicecomes, ii. mansiones de xiiii. denariis.

Isdem *Durandus* tenet i. mansionem de xxvi. denariis; et adhuc unam mansionem quæ nullam consuetudinem reddit.

Hadeuvinus tenet i. mansam quæ dat gablum sed aliam consuetudinem retinet.

Gosbertus i. mansionem, *Dunning* i. mansionem, *Widardus* i. mansam.

Arnulfus Presbiter, i. mansam quæ reddit gablum et aliam consuetudinem retinet.

Omnes istæ mansiones reddebant regalem consuetudinem tempore Regis *Edwardi*. Modo Rex *Willielmus* nichil inde habet, nec *Robertus* minister ejus.

Istæ mansiones fuerunt in firma Regis *Edwardi* die qua fuit vivus et mortuus: modo vero sunt ablata de firma et consuetudine Regis. Tempore Regis *Edwardi* erat dominium Regis in civitate totum hospitatum vel vestitum.

Quando Comes *Willielmus* ad firmam recepit, similiter vestitum fuit. Sedecim domus erant ubi sedet castellum quæ modo desunt, et in burgo civitatis sunt wastatæ xiiii. domus.

Burgum de *Wincelcumbe* reddebat tempore Regis *Edwardi* vi. libras de firma. De his habebat *Heraldus* Comes tercium den.

few of these volumes have been searched and examined with **Part II.** the attention which they deserve.

id est xl. solidos. Postea reddebat xx. libras cum toto Hundredo ejusdem villæ. *Durandus* Vicecomes apposuit c. solidos, et *Rogerus de Ivrei* lx. solidos, modo adjunctis iii. hund. reddit xxviii. libras de xx^{ti}. in ora.—*Glowcestre scire*, p. 162.

[*Exchequer Domesday.*

In the time of King *Edward* the town of *Gloucester* rendered 36 pounds by tale and 12 sesters of honey by the measure of the same borough and 36 dickers¹ of iron and 100 rods of wrought iron for nails for the king's ships and certain other services in the hall and chamber of the king.

Now the town itself renders the king 60 pounds of 20 pence to the ounce. And from the mint the King has 20 pounds.

In the king's demesne *Roger de Berkeley* holds one house and one fishery in the vill itself and is not dependent on the king. *Baldwin* held this in the time of King *Edward*.

Bishop *Osbern* holds land and tenements which *Eadmer* held; they render 10 shillings with other service.

Geoffrey de Mandeville holds 6 tenements. These in the time of King *Edward* used to render 6 shillings and 8 pence with other service.

William Baderon, 2 tenements of 30 pence.

William the Scribe holds 1 tenement of 51 pence.

Roger de Lacy, 1 tenement of 26 pence.

Bishop *Osbern*, 1 tenement of 41 pence. *Berner* 1 tenement of 14 pence.

William the Bald, 1 tenement of 12 pence.

Durand the Sheriff, 2 tenements of 14 pence.

The same *Durand* holds 1 tenement of 26 pence, and still another which renders no service.

Hadwin holds 1 manse which pays rent, but withholds other service.

Gosbert 1 tenement, *Dunning* 1 tenement, *Widard* 1 manse.

The Priest *Arnulf*, 1 manse which renders rent and withholds other service.

All those tenements used to render service to the king in the time of King *Edward*. Now King *William* has nothing from them, nor *Robert* his minister.

These tenements were subject to firm to King *Edward* on the day that he was alive and dead; now they are withdrawn from the firm and customary service of the King. In the time

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"*Liber Winton.*," or
Surveys of the City of
Winchester, in the reign
of Hen. I.

The great cities of London and Winchester are not included in the Exchequer Domesday. Henry I. wished to ascertain what "*Landgable*," or rents, were due to him in

of King *Edward* the King's demesne in the town was fully provided with food, lodging and clothing.

When Earl *William* received it subject to firm, it was likewise provided with clothing. Where the castle stands there were sixteen houses which exist no longer, and in the town itself there are 14 houses in ruins.

The Borough of *Winchcombe* used to render, in the time of King *Edward*, 6 pounds as firm. Of these Earl *Harold* had the third penny, that is 40 shillings. Afterwards, in conjunction with the entire Hundred of the same vill, it used to render 20 pounds. The Sheriff *Durand* added 100 shillings and *Roger d'Ivri* 60 shillings; now, with the addition of the 3 hundreds, it renders 28 pounds of 20 pence to the ounce. (Gloucestershire, p. 162.)]

Evesham Domesday.

Tempore Regis *Eadwardi* erant in civitate *Glocestricæ* ccc. burgenses in dominio reddentes xviii. li. et x. sol. de gablo per annum.

Ex his sunt centum, tribus minus, *residentes in propria hereditate*, et centum, tribus minus, manentes in emptis mansionibus, Francigenæ et Anglici, quæ valent x. li. per annum, et has tenuerunt per duodecim annos, hoc est, sexties xx. li. Ex* infra castellum manserunt de his trecentis, viginti quatuor. Et quatuor viginti et ii. mansiones sunt wastæ.

Archiepiscopus *Ebor'* habet in eadem civitate lx. burgenses. Episcopus *Samson*, vi. Abbas ejusdem civitatis lii. Et exceptis hiis, *Stanborc* i. mansionem habet, *Derherst* xxxvi. Abbas *Evesham'* iiij. Abbas *Persore* i. Comes *Hugo Cestriæ* xiii. *Robertus filius Hamonis* xxii. *Hugo de Laceio* xxviii.

Bertonæ Regis pertinent xxiii. *Berchelai* iiij.

Walt. de Glocestria xv. *Hugo Asinus* ii. *Walterus filius Ricardi* ii. *Radulphus Bloiet* vi. *Horseleia* i. *Wulmarus* i. *Ascelinus de Tateberia* v. *W. de Saio* i. *Willielmus filius Badder'* xvii. *Hamelinus de Badeluni*. *Henricus Comes* i. *W. de Manna-villa* vi. *Patricius de Cahorc'* vi. *Gislebertus de Cenomannia* i.

Et super omnes istos habet Rex saccam et soccam. Et x. Ecclesiæ sunt in socha Regis propria.

Tempore *Rogeri* Vicecomitis reddebant de firma xxxviii. li. et

* Probably a mistake for Et.

the last-mentioned capital, such as the citizens were accus- Part II.
tomed to render in the days of King Edward. For this
purpose a Jury was impannelled, consisting of eighty-six

iiii. sol. Modo reddunt xlv. li. et *Walterus* Vicecomes habuit
lxiii. sol. de rogatu et *Præpositus* xl. *Civitas* vero pejorata est
de lx. li.—(f. 53.)

In *Wincelcumbe* Burgo. In dominio R. E. erant lx. *Burgenses*
reddentes xli. sol. de gablo per annum. De his sunt lii. in *hereditate*
sua manentes, et octo habent alii *Burgenses* quæ valent per
annum xxx sol., hoc est xxii. li. et x. sol. per xv. ann.

Præter hoc Abbas habet in eo xl. *Burgenses*. Et Abbas
Evesham ii. *Episcopus Hereford* ** *Derherst* ii. *Hugo Asinus* i.
Langaberga iii. *Robertus filius Haimonis* v. *Turstinus de Cormeil*
ii. et unum molendinum. *Heroldus* x. et ii. molendina. *Robertus*
de Belhismo iii. *Walterus de Walerico* et *Hugo de Laceio* i. *Robertus*
de Ferreriis ii. *Hugo de Ham* i. *Ricardus de Solariis* i.
Radulphus de Salceto iii. *Willielmus Guiz* iii. *Robertus de Lacei* i.
W. Froisselupum i.

Et super omnes istos Rex habet suum geldum. Tempore
Rogeri Vicecomitis redd. x. li. et modo xxi. li. num. et Vicecomes
habuit de rogatu xii. sol.—(f. 55.)

[*Evesham Domesday.*]

In the time of King *Edward* there were in the city of
Gloucester 300 burgesses in the demesne rendering 18 pounds
and 10 shillings as rent each year.

Of these there are 100, less three, living in their own
inherited houses, and 100, less three, living in purchased tene-
ments, Frenchmen and Englishmen, and they are worth 10
pounds a year and they have held them for 12 years, which
amounts to six times twenty pounds. And below the castle
there dwelt 24 of these 300. And 82 tenements are in ruins.

The Archbishop of *York* has in the same city 60 burgesses.
Bishop *Samson* 6. The Abbot of the same city 52. And
besides these, *Stanborc* has 1 tenement, *Deerhurst* 36, the Abbot
of *Evesham* 4, the Abbot of *Pershore* 1, Earl *Hugh* of *Chester*
13, *Robert fitz Hamon* 22, *Hugh de Lacy* 28.

23 belong to Barton Regis. *Berkeley* 4.

Walter of *Gloucester* 15. *Hugh Asinus* 2. *Walter fitz Richard*
2. *Radulph Bloiet* 6. *Horsley* 1. *Wulmar* 1. *Asceline de*
Tutbury 5. *W. de Sai* 1. *William fitz Baderon* 17. *Hamelin*
de Badelun 1. Earl *Henry* 1. *W. de Mandeville* 6. *Patrick de*
Cahors 6. *Gilbert du Mans* 1.

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of the best Burgesses of Winchester, who made their perambulation in the presence of William Giffard^a, the Bishop of the See, and other Royal Commissioners^b.

And over all these the King has sac and soc. And 10 Churches are in the King's own soc.

In the time of Sheriff *Roger* they used to render as firm 38 pounds and 4 shillings. Now they render 46 pounds, and Sheriff *Walter* had 64 shillings by requisition and the Bailiff 40. The city has therefore deteriorated by 60 pounds. (f. 53.)

In the Borough of *Winchcombe*. In the demesne of King Edward there were 60 burgesses rendering 41 shillings of rent each year. Of these there are 52 dwelling in their inherited houses and other burgesses have 8 which are worth per annum 30 shillings, that is 22 pounds and 10 shillings in 15 years.

Besides this the Abbot has in it 40 burgesses. And the Abbot of *Evesham* 2. The Bishop of *Hereford* ** *Deerhurst* 2. *Hugh Asinus* 1. *Langaberga* 3. *Robert fitz Hamon* 5. *Turstin de Cormeilles* 2 and one mill. *Herold* 10 and 2 mills. *Robert de Belesme* 3. *Walter de Waldric* and *Hugh de Lacy* 1. *Robert de Ferrers* 2. *Hugh de Ham* 1. *Richard de Solariis* 1. *Ralph de Salceto* 3. *William Guiz* 3. *Robert de Lacy* 1. *W. Froisselupum* 1.

And over all these the King has his geld. In the time of Sheriff *Roger* they rendered 10 pounds and now 21 pounds by tale and the Sheriff has by requisition 12 shillings. (p. 55.)]

^a Consecrated 1107—died 1128.

^b *Henricus* Rex volens scire quid Rex *Edwardus* habuit omnibus modis *Wintoniæ* in suo dominico, Burgensium suorum sacramento hoc comprobari jussit. Volebat enim illud inde penitus habere. Sed Rex *Edwardus* suo tempore inde habuit: hoc igitur sacramentum factum fuit de quat. viginti et vi. Burgensibus melioribus *Wintoniæ*, præsentē *Willielmo* Episcopo et *Herberto* Camerario et *Radulpho Basset* et *Goisfrido Ridel*, et *Willielmo de Pontearchar*: hoc autem Burgenses, peracto sacramento, a porta orientali ceperunt inquirere ethergingis.—*Liber Winton.*, p. 531.

[King *Henry* wishing to know all that King *Edward* had in every way in his demesne at *Winchester*, ordered this to be ascertained on the oath of his Burgesses. For he wished to obtain this to the uttermost from them. But King *Edward* in his time had thence; this oath therefore was taken by 86 of the best Burgesses of *Winchester*, in the presence of *William*

The returns thus obtained, and which constitute the **Part II.** "*Liber Winton.*," throw great light upon the occupancy of an Anglo-Saxon city, though they do not afford any information respecting its government. In the same MS. we find another survey of the city, taken in 1148, furnishing curious means of comparison with the earlier survey, but less ample in its details.

The pattern set by Domesday was partially followed by Hugh Pudsey, Bishop of Durham, who, in 1183, caused a minute and accurate survey to be made of the rents and customs due from his demesnes in St. Cuthbert's franchise.

"*Boldon Book*," as the record is called, does not include the military tenures, or Knights' fees of the Bishopric, but the services of the Sokemen and Villeinage are fully set forth, with details which render the *Boldon Book* one of the most curious records of the class to which it belongs.

Boldon Book, a Domesday Survey of the Bishopric of Durham, by Bishop Pudsey, 1183.

A general survey of the possessions of the Monastery of *Shaftesbury Survey.* Shaftesbury is extant^a, made perhaps at an earlier period in the reign of Henry II. than the *Boldon Book* of Durham. The names of the Villeins or Churls therein enumerated are almost wholly Anglo-Saxon: the population was unchanged. In Domesday, we have merely the number and designation of the Villeins who were appurtenant to the different manors. In the Shaftesbury survey, their services are described with great minuteness; and the document is one of the most valuable links of evidence in our territorial history. The regular series of our Records begins with John: and the Shaftesbury survey connects the Common Law period with the Anglo-Saxon age.

Other records of the same description might be enumerated; but I shall conclude these observations by noticing the "*Extent of North Wales*^b," the most recent of these

Extent of North Wales 26 Ed. III.

the Bishop, *Herbert* the Chamberlain, *Ralph Basset*, *Goisfrid Ridel*, and *William de Pont de l'Arche*; moreover the Burgesses, after taking the oath, began their inquisition by perambulation from the eastern gate. (*Book of Winchester*, p. 531.)]

^a In the Shaftesbury Register or Lieger-Book. Bib. Harl. 61.

^b Bib. Harl. 626. This volume, composed of records relating to the Principality, appears, from a memorandum prefixed, to have been anciently preserved amongst the muniments of the

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surveys, but the one which approaches most closely to the original prototype. The Earl of Arundel being Justice of North Wales (26 Ed. III.), the extent was taken by the oaths of all the tenants of every Commot, as well free as bond, and afterwards examined by twelve Freemen of each Commot, impannelled as a Jury. The inquisitions of the Jury form the "Extent." Every Township or "*Tref*" is entered as a distinct head. The tenures, rents, and services are described by their British names: and, with the exception of the substitution of pecuniary commutations for certain personal liabilities, the legal claims of the Black Prince were bounded by the prerogatives of the last native Sovereign of Aberfraw.

 CONSERVANCY OF THE PEACE.

Conservancy of the Peace,
its relation to Parliament.
Conservators appointed in
Simon de Montfort's Par-
liament.—1264.

THE Keepers of the Peace under Simon de Montfort's commission were to be appointed "*donec per nos et barones nostros de statu Regni nostri aliter fuerit ordinatum*" [until such time as other order regarding the state of our Kingdom be taken by us and our barons]. The future regulations for the conservancy of the Peace,—a wide term when employed by a revolutionary government,—would be included amongst the affairs for which the Knights of the

Court of Wards. The original inquisitions, which were deposited in the Exchequer at Caernarvon, have been long since lost; and the present volume is said (*Cymmrodorion Transactions*, I. 337) to have been transcribed, with some others of the same nature, by Sir William Griffith, of Penrhyn, who was Chamberlain of North Wales in the reign of Elizabeth.

The edition of Domesday, published pursuant to the address of the House of Lords, is well known. The valuable introductory Dissertation by Sir Henry Ellis, compiled by authority of the Record Commission, appeared, together with the Indices of Places, and Tenants in Capite, in 1816. At the same time were published the "*Additamenta*," containing the Exon Domesday, the Inquisitio Eliensis, the Liber Winton., and Boldon Book. The other Surveys are yet inedited; but a translation of so much of the "*Extent of North Wales*" as refers to the County of Anglesea, is published in the *Transactions of the Cymmrodorion* (I. p. 336).

Shire would be returned. "Et quia instanti Parlamento **Part II.**

"nostro de negotiis nostris et regni nostri cum Prælatiis,
"Magnatibus et aliis Fidelibus nostris tractare necessario
"nos oportebit: Vobis mandamus quatinus quatuor de
"legalioribus et discretioribus militibus dicti comitatûs, per
"assensum ejusdem Comitatus ad hoc electos, ad nos pro
"toto comitatu illo mittatis: ita quod sint ad nos Londoñ
"in octabis instantis festi Sanctæ Trinitatis ad ultimum,
"nobiscum tractaturi de negotiis prædictis. Vos autem in
"hiis omnibus exequendis tam fideliter et diligenter vos
"habeatis, ne per negligentiam vestri ad vos et vestra
"graviter capere debeamus." (Fœdera, Vol. I. p. 442.)

[And because in our approaching Parliament we must of necessity deliberate upon our business and that of our Kingdom together with the Prelates, Magnates and others of our faithful subjects, we do hereby command you to elect for this purpose four of the most legal and discreet Knights of the aforesaid county, with the assent of that county, and send them to us on behalf of that county, so that they be with us in London within the octave of the approaching festival of the Holy Trinity at the latest, there to deliberate with us on the aforesaid business. Moreover take ye heed that ye do conduct yourselves in the execution of all these duties with such fidelity and diligence that we may not through your negligence have to deal severely with you and your property. (Treaties, Vol. I. p. 442.)]

The following are the names of the Conservators:—

*Adam de Novo-Mercato (<i>Lincoln.</i>)	Robertus de Stradely (<i>Notts.</i>)
*Ricardus de Tany (<i>Essex & Hertford.</i>)	Ricardus de Vernon (<i>Derby.</i>)
*Johannes de Eyvill (<i>York.</i>)	*Johannes filius Johannis (<i>Bucks.</i>)
Willielmus de Bovill (<i>Suffolk.</i>)	Walterus de Beauchamp de Chalvestern (<i>Bedf.</i>)
*Johannes de Burgo (<i>Norfolk.</i>)	Gilbertus de Ellesfeud (<i>Oxon.</i>)
*Egidius de Argenteiñ (<i>Cambridge.</i>)	Robertus filius Nigelli (<i>Berks.</i>)
*Henricus Engaine (<i>Hunt.</i>)	*Johannes de Plessetis (<i>Northumb.</i>)
*Willielmus le Marescall (<i>Northampt.</i>)	*Thomas de Muleton (<i>Cumb.</i>)
Godefridus de Escudemor (<i>Wilts.</i>)	*Johannes de Moreville (<i>Westmorl.</i>)
*Johan. de Sancto Walerico (<i>Southampt.</i>)	Brianus de Gowiz (<i>Somers.</i>)
Willielmus de Tracy (<i>Gloucester.</i>)	*Oliverus de Dynant (<i>Devon.</i>)
*Radulphus Basset de Sapecote (<i>Leicester.</i>)	*Radulphus Basset de Drayton (<i>Salop and Staff.</i>)
*Thomas de Estleys (<i>Warwick.</i>)	

Of these, all marked thus (*), or their representatives, were summoned amongst the Baronage; and the others are members of ancient baronial families.

Part II.

In the Parliaments of the 18th Ed. I., and subsequent years, a connexion between the representation of the Shire and the conservancy of the Peace is plainly apparent, as will appear from the abstract subjoined^a.

CONSERVATORS, 15 EDW. I.		KNIGHTS OF THE SHIRE.	
<i>Bedford</i>	Johannes de Pabeham. Thomas de Norwod.	Johannes de Pabenham.	(<i>Bedford</i> —25, 33 Ed. I.)
<i>Berks</i>	Adam de Brinton. Johannes Banastr'. Gerardus de Insula. Bartholomeus de Erlye.	Adam de Brumton.	(<i>Berks</i> —28 Ed. I.)
<i>Bucks</i>	Robertus Barre. Reginaldus de Bello Campo. Johannes Neirnuit.	Bartholomeus de Erle.	(<i>Berks</i> —25 Ed. I.)
<i>Cambridge</i>	Alanus le Fraunceys. Henricus de Lacy.	Reginaldus de Bello Campo. Johannes Neirnuit.	(<i>Bucks</i> —18 Ed. I.) (<i>Bucks</i> —33 Ed. I.)
<i>Cornwall</i>	Johannes de Alet. Reginaldus de Bovill'. Johannes Treiagu.	Alanus le Fraunceys. Henricus de Lacy.	(<i>Cambridge</i> —18 Ed. I.) (<i>Cambridge</i> —18 Ed. I.)
<i>Cumberland</i>	Thomas de Newton. Hubertus de Multon. Walterus de Mulcastr'.	Reginaldus de Bovill'. Johannes Treiagu.	(<i>Cornwall</i> —24, 25, 26, 29, 34 Ed. I.) (<i>Cornwall</i> —35 Ed. I.)
<i>Derby</i>	Egidius de Menill. Thomas Tuchet. Willielmus de Menill.	Hubertus de Multon. Walterus de Mulcastr'.	(<i>Cumberland</i> —18 & 24 Ed. I.) (<i>Cumberland</i> —18 Ed. I.)
<i>Devonshire</i>	Willielmus de Alba Marl'. Regin'. de Ferrariis. Henricus de Ralegh.	Egidius de Meynill, Meynhill.	(<i>Derby</i> —23, 34 Ed. I.)
<i>Dorsetshire</i>	Petrus de Bosco. Ricardus de Havering.	Willielmus de Alba Marl'. Regin'. de Ferrariis. Henricus de Ralegh.	(<i>Devonshire</i> —28 Ed. I.) (<i>Devon</i> —25, 29 Ed. I.)
<i>Gloucester-shire</i>	Radulphus de Wylington. Johannes de Acton. Robertus de Meysy.	Petrus de Bosco. Ricardus de Havering.	(<i>Dorset</i> —18 Ed. I.) (<i>Dorset</i> —18, 34 Ed. I.)
<i>Hertford</i>	Willielmus Ate. Johannes filius Simonis.	Johannes de Acton.	(<i>Heref.</i> —28, 29 Ed. I.) (<i>Glouc.</i> —29 Ed. I.)
<i>Huntingdon</i>	Radulphus de Rastell. Johannes de Drayton.	Robertus de Meysy.	(<i>Hertford</i> —18 Ed. I.) (<i>Hertford</i> —18, 24 Ed. I.)
<i>Lancashire</i>	Robertus de Haverington. Johannes Byron. Robertus de Holand.	Willielmus de Aete.	(<i>Huntingdon</i> —18 Ed. I.) (<i>Huntingdon</i> —18 Ed. I.)

^a See Parliamentary Writs, Vol. I., Alphabetical Digest.

CONSERVATORS, 15 EDW. I.

KNIGHTS OF THE SHIRE.

Part II.

<i>Lincolnshire</i>	Radſus de Sancto Laudo. Johannes Gobaud. Robertus de Horbling. Thomas de Burgham. Ranulphus de Rye. Johannes Dyne.	Johannes Dyne. (<i>Lincoln</i> —18 Ed. I.)
<i>Middlesex</i>	Willielmus de Brok. Rogerus de Bacheford.	Willielmus de Brok. (<i>Middlesex</i> —24, 30 Ed. I.)
<i>Norfolk</i>	Fulco Baynard. Willielmus de Gynney. Thomas de Begeville.	Fulco Baynard. (<i>Norfolk</i> —25 Ed. I.)
<i>Northumber- land</i>	Willielmus Herun. Michael de Rye.	Willielmus Heyron. (<i>Northumberland</i> —18 Ed. I.)
<i>Nottingham</i>	Ricardus de Bingham. Walterus Tuke. Gerardus de Hedon.	Ricardus de Bingham. (<i>Nottingham</i> —26 Ed. I.)
<i>Oxfordshire</i>	Johannes de Clift. Henricus de Bruilly. Ricardus de Williamescote. Alanus filius Roaldi.	Henricus de Bruyli. (<i>Oxford</i> —25, 26 Ed. I.) Ricardus de Wyllamescot. (<i>Oxford</i> —18 Ed. I.)
<i>Rutland</i>	Theobaldus de Nevill. Willielmus Murdak.	Theobaldus de Nevill. (<i>Rutland</i> —33 Ed. I.) Willielmus Murdak. (<i>Northampton</i> —24, 25 Ed. I.)
<i>Shropshire</i>	Johannes filius Aeri. Willielmus de Hodenet.	Johannes filius Aeri. (<i>Salop</i> —18 Ed. I.) Willielmus de Hodenet. (<i>Salop</i> —18 Ed. I.)
<i>Stafford</i>	Willielmus de Staff'. Johannes Gifard. Willielmus de Mere.	Willielmus de Staff'. (<i>Stafford</i> —18, 26, 34 Ed. I.) Willielmus de Mere. (<i>Stafford</i> —18, 34 Ed. I.)
<i>Surrey</i>	Johannes de Abernoun. Willielmus Amesas.	Johannes de Abernoun. (<i>Surrey</i> —25, 26 Ed. I.) Willielmus Ambesaz. (<i>Surrey</i> —18, 24, 25 Ed. I.)
<i>Sussex</i>	Willielmus de Echingham. Hamo Boueyt.	Willielmus de Etchingham. (<i>Sussex</i> —33 Ed. I.) Hamo Bovet. (<i>Sussex</i> —22 Ed. I.)
<i>Westmorland</i>	Willielmus de Stirkeland. Robertus le Engleys.	Willielmus de Stirkeland. (<i>Westmorland</i> —18 Ed. I.) Robertus le Engleys. (<i>Westmorland</i> —24 Ed. I.)

I quite admit that, *after* the House of Commons, in its present shape, became a permanent branch of the High Court of Parliament, the connexion which continued (and still continues) between the two functions of Parliamentary Knights and Conservators, was merely a connexion of station. It then only implied that the Keepers of the Peace were the most influential persons in their Shires:

Part II.

and, as such, chosen for Parliamentary Representatives. All that I have proposed to prove is, that it was *partly* by means of their duties as Conservators of the Peace, that the Knights of the Shire were *first* conducted into Parliament. The powers of conservancy are not, according to my theory, to be considered as the sole cause of Parliamentary representation, but as *one* of the elements which have entered into its composition.

EDITOR'S NOTES

Abbreviations. BCS, Birch, W. de Gray, *Cartularium Saxonicum*, 3 vols. London, 1885-1893. HSC, Haddan, A. W. and Stubbs, W. *Councils and Ecclesiastical Documents*, 3 vols. Oxford, 1869-1873. KCD, Kemble, J. M. *Codex Diplomaticus Aevi Saxonici*, 6 vols. 1839-1848. LGA, Liebermann, F. *Die Gesetze der Angelsachsen*, 3 vols. Halle, 1903-1912. PB, Plummer, C. *Venerabilis Baedae Opera Historica*, 2 vols. Oxford, 1896. PSC, Plummer, C. *Two of the Saxon Chronicles Parallel*, 2 vols. Oxford, 1892-1899. A note of the form KCD, no. ii, BCS, no. 4, HSC, vol. iii, p. 54, without further comment, means that the document in the text will be found printed in the books specified.

p. 2. 1. From Robert of Gloucester's Chronicle, ed. Hearne (1810), p. 369; ed. Wright (Rolls Series), vol. ii, p. 547.

— 2. *Geld and Scot*. The former is land-tax paid to the king, the latter a customary local tax.

p. 3. 1. *Marmoustier*. Marmoutier, *Maius-Monasterium*, the Benedictine Abbey of S. Martin of Tours, said to have been founded in the sixth century.

p. 4. 1. *Eugenius*, the Third (Bernard of Pisa). Pope, 1145-1153.

p. 5. 1. *Alexander III* (Roland Bandinelli). Pope, 1159-1181.

p. 7. 1. *de Vere*. See Round, J. H. *Geoffrey de Mandeville*, p. 393 note.

p. 9. 1. For the Latin original of this version, see pp. 110-119.

— 2. *half a mark*. The mark was only money of account: at first a denomination of weight, equal to eight ounces; when after the Conquest twenty silver pennies went to the ounce, the value of the mark was fixed at one hundred and sixty pence. The shilling was also money of account; a coin of that name was first issued in the reign of Henry VII: before the Conquest it was equal to four pennies in Mercia (see p. 128), five in Wessex (tables in LGA, vol. ii, p. 441), after the Conquest to twelve pence. The pound of silver was twelve ounces, two hundred and forty silver pennies. The word *groat* is used on p. 27 ff. to translate *quatuor denarii*; it is somewhat of an anachronism in the middle of the twelfth century.

— 3. *the Queen's seal*. The king went to France in August, leaving the queen with viceregal powers. [Eyton, R. W. *Itinerary of King Henry II*, p. 40.]

p. 10. 1. *shillings*. See above, note 2 to p. 9.

p. 16. 1. *Pope*. Eugenius III. See above, note 2 to p. 4.

p. 17. 1. *pounds of silver*. See above, note 2 to p. 9.

— 2. *Auvilar*. Auvillar, *dépt. Tarn-et-Garonne, arrondissement de Moissac*, situated on the Garonne.

p. 18. 1. Jordan Fantosme's poem, *Chronique de la Guerre entre les Anglois et les Écossois en 1173 et 1174*, was edited by Francisque Michel for the Surtees Society in 1840, and by Richard Howlett in *Chronicles of the reign of Stephen* (Rolls Series).

p. 27. 1. *groat*. See above, note 2 to p. 9.

p. 30. 1. The Latin text of this and the three following pieces is from the *Chronicon Monasterii de Bello*, which was printed in full by J. S. Brewer for the Anglia Christiana Society in 1846. The translations are altered from the *Chronicle of Battle Abbey from 1066 to 1176*, by M. A. Lower, London, 1851.

p. 92. 1. In *Chronicon de Bello*, pp. 65-67. Dungemarsch is on the coast of Kent, inland from Dungeness. It was given by the Conqueror to Battle, along with Wye, of which it is said in the text to be a member, that is, an outlying district.

p. 96. 1. *Bernehorn*. The manor of Barnehorne near Bexhill, Sussex.

— 2. In *Chronicon de Bello*, pp. 105-110.

p. 98. 1. *Writ of Right*. The proceedings under this writ are described in Britton, ed. Nichols, F. M. vol. II, pp. 326-338.

p. 107. 1. In *Chronicon de Bello*, pp. 164-166.

p. 110. 1. For translation of this document see pp. 9-29. It is contained in a roll at the Record Office, Ancient Miscellanea of the Treasury of the Receipt, No. 43. Anstey's account of his law-suit has been used as the basis of an historical novel in *Court Life under the Plantagenets* by Hubert Hall. In this book will be found a note on the Anstey genealogy (pp. 209-212) and much other illustrative matter.

p. 121. 1. On the relation of the Latin and French texts, their sources, the dating of the manuscripts and of their originals see Liebermann, F. *Ueber die Leis Willelme* in *Archiv f. d. Studium der neu. Sprachen*, vol. CVI, pp. 113-138. He decides that the archetype was a private compilation in French, made in Mercia between 1090 and 1135. The texts here given are printed, with a third in French copied by the Croyland forger of the fourteenth century and a translation of the French of the Holkham MS. in LGA, vol. I, pp. 492-520. The Latin text is here normalized in spelling.

p. 123. 1. *ores*. The ore here is twenty pence, but its value varied in other parts of England.

— 2. *succeds in the case*, translating Liebermann's emendation, *qui in causa optinet*: *eam* has arisen out of the contraction *cā* for *causa*.

— 3. *twelve-handed*, that is, himself and eleven others.

p. 124. 1. *guardian of the stocks*, that is, the jailer, as in the French version; fourpence or the culprit's best garment was his fee when he acted as executioner. For grave-digger the French version has *spade*.

p. 125. 1. Both texts of this article are corrupt. The French appears to mean, If anyone takes a thief without hue and cry and (regular) pursuit, so that he, to whom the thief has done wrong, suffers loss thereby, and the injured person comes after that, it is right that the irregular thief-taker should pay ten shillings as *hengwite*, and that the thief be brought to justice at the next sitting of the court. And if the complainant fails to do so without the permission of the judge, he forfeits forty shillings.

— 2. *quatre*. For *viii* read *i (un)*, as in the parallel text of Pseudo-Ingulf.

p. 128. 1. A line has been omitted in the manuscript. Supply from the French, eight pence, or, when on the head or other place where it is covered, for the inch always.

p. 129. 1. *ancus*. L. reads *alicuius*, meaning the nail of the thumb or of any larger finger.

p. 130. 1. *tamen. tantum* MS.

p. 131. 1. *previously*, reading with L. *aliquando* for *alius*.

— 2. *bordars*. These were villeins with small holdings, in Middlesex from five acres to half a virgate. [See Maitland, F. W. *Domesday Book and Beyond*, pp. 38-41.]

p. 133. 1. This article, not in the Holkham MS., is supplied from MS. Harley and the Pseudo-Ingulf as printed in Fell.

— 2. *camis*: *chamis*. Explained by L., the former as from *camus* of the Vulgate, the latter as from *χάμος* (? *κημός*) of the Septuagint. On the other hand the French *chevestre*, Latin *capistrum*, is a halter.

— 3. *chascur*. MS. *chaçur*.

p. 135. 1. *cum*. The MS. has *et*. The correction is due to L., who also reads *scit* for *sit* in the next line.

— 2. The French version has preserved the original meaning, that is, For after proof by oath has been adjudged him by the court, it cannot thereafter, by the law of England, be challenged.

p. 137. 1. The Latin translator has misunderstood the original, which is better represented by the French, meaning, if he (the person charged) is able to prove by two credible men, being ear and eye-witnesses of the suit, that he did not say it, he has re-established his pleading. In the Latin text *ad* appears superfluous.

p. 138. 1. From the 29th Sept. to the 11th Nov., when cattle were being driven along the roads to be slaughtered for the winter provision. In the Latin text *iii*

is an error for *i*. The French text is probably correct—one watchman for every ten hides—as it is also in what follows—the Superintendent, even though he possess thirty hides has not to find any watchman at all, in consideration of his own labour of inspection.

p. 139. 1. *de fauce-naivirie* is the author's conjectural emendation of a corrupt text. He probably understood it as meaning, *naifs*...ought not to seek certificates falsifying their servile status. For a discussion of the difficult passage see LGA, vol. I, p. 512.

p. 140. 1. The Latin text shows misunderstanding of the original. The French means, if the lord of the manor does not compel the labourers belonging to another to return to the land of the latter, the judges shall do so.

p. 142. 1. *B...viescez*, and if you trouble me on that head. Better *mescreez*, as read by L., and if you refuse me credence.

p. 143. 1. *laslite*. Better *lahslit*, a Scandinavian word of the Danelaw, the fine for breach of the law. It corresponded to English *wite*, but it varied with the rank of the offender and possibly with that of the injured person.

— 2. *alta*. Corrected by L. into *alia*.

p. 146. 1. *videant* is due to a misunderstanding of the translator's original; *voest* in the French text is from *vocher*, Latin *advocare*, not from *voire*. The sense required is, let him vouch the property, producing warranters, three in series, and a fourth to finish the business.

— 2. This enactment appears to mean that the possessor of lost or stolen property (cattle mostly) must not be allowed to assert his lawful ownership of it on oath, if the pursuer has already produced witnesses to testify of their own knowledge that it is the property of the pursuer. Such evidence is final and conclusive, and cannot be rebutted by any statement of the possessor. But testimony to the identity of cattle cannot extend to those stolen more than six months before, because they alter too much.

p. 152. 1. Laws of Æthelberht, LGA, vol. I, p. 4, no. 22.

p. 153. 1. *hion*. L. reads *hion[ne]*, the outer lining of the brain, the "dura mater." See his glossary s.v. *hion[ne]*.

— 2. LGA, vol. I, p. 78, no. 44.

p. 155. 1. *uulituum*. In O. Saxon and O. Frisian *wilituam*, with same meaning as the O.E. word, a wound not covered by the hair or clothing, especially one in the face.

— 2. *heahre* is not comparative, and therefore not parallel with Ihre's Suio-Gothic *högra-hand* and the O.W.Scand. *hægri hönd*.

p. 156. 1. L. adopts Grimm's suggestion of *cearwund*, a wound which puts a man to his bed, with parallel in O.W.Scand. *kör*, sick-bed. In Bosworth-Toller *searwund*, incised wound, is suggested. Wilkins's emendation, *wearr*, means hard skin of hands or feet, callosity.

p. 158. 1. For a still more elaborate formula see Dasent, G. W. *Burnt Njal*, vol. I, p. clxviii.

— 2. The *Liber Horn*, date 1311, was probably compiled by Horn. In its present state it is made up of two works, i. On the ancient laws of England, ii. On the Statutes of England with many liberties and other matters touching the City. It is supposed that the *Liber Custumarum* was also collected under his supervision. [See Riley, H. T. *Liber Albus* (Rolls Series), p. xvi; *Liber Custumarum*, part i, p. x.]

p. 161. 1. On the sacred temple-ring see PSC, vol. II, p. 90.

p. 162. 1. LGA, vol. I, p. 673.

p. 166. 1. Reissue of the Charter in 1225.

p. 168. 1. *exacted*. That is, required by proclamation at five successive sessions of the county court to present himself. [Pollock, F. and Maitland, F. W. *The History of English Law*, vol. II, p. 581.]

p. 169. 1. *Athelstane*. Probably of Edgar; see LGA, vol. I, p. 192, where the Anglo-Saxon original will be found together with the Latin versions of the *Consiliatio Canuti*, as printed in the former extract here, and of *Quadripartitus* as given in the latter. The former version means, This is the regulation as to how the assembly of the hundred should be kept. In the first place then that it be assembled regularly every four weeks and that every man should do right to

every other.... We have pronounced also as regards stray cattle, that no one is to retain it without the cognisance of the president of the hundred or tithing and that the keeper of it be right trustworthy. The clause in the second version beginning "Si necesse...manibus," lit. if need is on hand, that is, pressing, is explained by the A.S. rubric, "Dæt men faran on ryd after ðeofan," That men ride after thieves. In *hominibus hundredi* the translator has mistaken hundredes-men for a dative plural: it is singular and means, to the president of the hundred court.

p. 170. 1. LGA, vol. i, p. 170.

p. 174. 1. LGA, vol. i, p. 618. The correct reading is *x vel xx vel xxx*: in the Holkham MS. *x l' xx l' xxx* where *l'* is a contraction for *vel*. See also Liebermann, *F. Consiliatio Canuti*, pp. xii, xiii.

p. 177. 1. Either Abingdon or Bensington in Oxfordshire.

p. 178. 1. KCD, no. mceclxxxix.

p. 183. 1. The poem is in Royal MS. 15 C 7, British Museum.

p. 185. 1. LGA, vol. i, p. 320; Cnut's Secular Law, 19.

p. 186. 1. Printed in Cockayne, *O. Leechdoms, Wortcunning and Starcraft in Early England*, vol. III, p. 286, from two Cotton MSS. Also in LGA, vol. i, p. 400, from the Textus Roffensis and MS. C.C.C. Cambridge 383. The reading *pe myntan* in the fourth line mentioned in the footnote means, as in the last line, and never intend for thee, never purpose giving thee: *rum* in the tenth line is cultivated land as opposed to waste: *læpes* in the eighteenth line is district. Liebermann regards the piece as a legal formula, the opening of a defence to an action for the recovery of land, while Cockayne places it among Charms.

p. 187. 1. LGA, vol. i, p. 456.

p. 188. 1. Maskell, W. *The Ancient Liturgy of the Church of England*, 2nd ed., p. clv.

p. 189. 1. See Liebermann, *F. Ueber die Leges Edwardi Confessoris*, pp. 47-51; Elton, C. I. *Origins of English History*, p. 326.

p. 193. 1. *war-wolf*. Rather were-wolf or werwolf, man-wolf. See Sir Frederick Madden's note reprinted at p. xxv of *William of Palerne*, ed. W. W. Skeat.

p. 209. 1. Morant has in the first line ayed (= aped), by lene (with footnote "Lean signifies tribute"), in the thirty-sixth and thirty-seventh, Yother (= poper) mind him on Yender midtyn feren: *ender*, meaning else, although otherwise unrecorded, may be a genuine form.

p. 220. 1. The date of the Assize of Clarendon is 1166. It is printed in Stubbs, W. *Select Charters*, pp. 137-143 from another manuscript.

p. 221. 1. The Assize of Northampton is printed in *Select Charters*, pp. 143-145.

p. 231. 1. The oldest copy of Fitz-Ailwyne's Assize is printed in *De Antiquis Legibus Liber*, ed. Stapleton, Camden Society, 1846, pp. 206-211: another copy will be found in *Liber Albus*, ed. Riley, pp. 319-332, others in *Liber Custumarum* and *Liber Horn*.

p. 245. 1. *Chronicon Monasterii de Abingdon*, ed. Stevenson (Rolls Series), vol. II, pp. 227-229.

— 2. *Chronicon* (as above), vol. II, p. 221. The jurors found that he had a right to three hundred pigs.

p. 251. 1. *de rationabilibus divisio*. "A Writ that lies where two Lords have the Seignuries joining together, for him that finds his Waste encroached upon within the Memory of Man, against the Encroacher, thereby to rectify the Bounds of their Seignuries," Blount, *A Law-Dictionary*, s.v. *Divisa* is Law Latin for *partitio*.

p. 278. 1. *Registrum Epistolarum Fratris Johannis Peckham, Archiepiscopi Cantuariensis*, ed. Martin (Rolls Series), vol. III, pp. 776-778.

p. 292. 1. *gentle Collins*. Arthur Collins (1690?-1760), author of *The English Baronage*, 4to, London, 1727, *The Peerage of England*, 1709, and other genealogical works.

p. 293. 1. *steterint*. Possibly the poet had in mind, "Nec sum adeo informis; nuper me in litore vidi, Cum placidum ventis staret mare," Virgil, *Ecl.* II, 25, 26.

2. *Anax*. Edgar succeeded as sole king in 959, but he was not crowned till Whitsunday, May 11th, 973, at Bath. Bathun comes from the O.E. name *æt 8Hatun Baum*.

- p. 293. 3. *Bradifonus*. The Septuagint has ἰσχυρόφωνος καὶ βραδύλωσσος, Exod. iv, 10; the writer has invented a new combination. For the Feast of Weeks see Exod. xxxiv, 22.
- p. 295. 1. It is doubtful whether this seal is that of S. Eadgyth of Wilton. [*Archæologia*, vol. xviii, p. 40.]
- p. 299. 1. KCD, no. ii, BCS, no. 4, HSC, vol. iii, p. 54. The document is hardly authentic.
- p. 300. 1. KCD, no. iii, BCS, no. 5, HSC, vol. iii, p. 55. "A glaring forgery," Kemble, J. M. *Saxons in England*, vol. ii, p. 114 note.
- p. 301. 1. KCD, no. lxxxiii, BCS, no. 157. The date is 723-737: Wootton-Wawen is in Warwickshire. For "minster right" see Maitland, F. W. *Domesday Book and Beyond*, p. 229.
- p. 302. 1. KCD, no. lxxx, BCS, no. 154. Husermere is in Worcestershire.
- p. 304. 1. KCD, no. clxxix, BCS, no. 303. The identification of *Brom Gehæge* is due to T. Kerslake.
- p. 305. 1. *fæstingmen*. Officers going on the king's business who were quartered on the monasteries. [See Kemble, J. M. *Saxons in England*, vol. i, pp. 296, 297, vol. ii, p. 61.]
- 2. See Maitland, F. W. *Domesday Book and Beyond*, p. 292, for a discussion of this difficult passage.
- 3. KCD, no. ccxiv, BCS, no. 366. *Chronicon Monasterii de Abingdon*, ed. Stevenson, vol. i, pp. 25-27.
- p. 307. 1. KCD, no. ccxxiii, BCS, no. 395. Thorpe, B. *Diplomatarium*, p. 66. The correct date is 828, the sixth indiction.
- 2. KCD, no. cciv, BCS, no. 439.
- p. 308. 1. KCD, no. ccxiv, BCS, no. 460.
- p. 309. 1. KCD, no. ccv, BCS, no. 537.
- 2. *sicli*. The siclus was the fourth part of a Roman ounce and was probably equivalent to six silver pennies.
- p. 311. 1. KCD, no. ccxxxviii, BCS, no. 606. Wrington is in Somersetshire.
- p. 312. 1. KCD, no. cccxcv, BCS, no. 1088. *Uptun* is Upton on the Severn, Worcestershire.
- 2. KCD, no. dclxxx.
- p. 313. 1. KCD, no. dcxvii.
- p. 314. 1. KCD, no. dclvi. *Bishop's Stoke* is Stoke Orchard, Gloucestershire.
- p. 315. 1. Bryhtnoth is the hero of the battle of Maldon, 991. *Ælfæd's* will is printed in KCD, no. dclxxxv, BCS, no. 1289, Thorpe, *Diplomatarium*, p. 522, Earle, J. *Land Charters*, p. 364. She was sister of *Æthelfæd*, second queen of Edmund the Magnificent. In *Ælfæd's* will *Lallinges* is Lallinge, possibly Lalling in Essex. Earle identifies *Illelege* with Monks Eleigh in Suffolk; *Hathlege* is probably Hadleigh in Suffolk.
- p. 318. 1. KCD, no. dcciii.
- p. 319. 1. *Principem*, &c. "Rectorem te posuerunt? noli extolli," Ecolus. xxxii, 1.
- p. 322. 1. KCD, no. dccix. Thorpe, p. 299 (in part).
- 2. *nor lose...it*. The A.S. original has "ne forspican, ne forspillan ut of ðam halgan mynstre," which means, nor by his words in any action at law defeat the lawful claim of the minster. It is illustrated by the enactment in *Leges Henrici* (LGA, vol. i, p. 582), "Nemo enim potest de feodo domini sui placitare sine eo, nec cogi debet rectum eius forspekan nec forspillan," No tenant may go to law about his holding without the concurrence of his superior lord, nor ought he to be forced to speak so as to defeat the lawful claim of his lord to the land.
- p. 323. 1. KCD, no. mcccxxvii. Thorpe, pp. 325, 326 with Latin version from a Stowe manuscript. The author's version agrees rather with the Latin than the A.S. version. Thorpe dates the charter 1032.
- 2. KCD, no. dccxl. Thorpe, pp. 329, 330.
- p. 324. 1. KCD, no. dclxiv. A.D. 1042.
- p. 325. 1. S. Berlinde de Merbeck, Virgin, of Belgium; died about 702.
- p. 326. 1. The article referred to is *Investitura per Cultrum vel Cultellum*.

- p. 327. 1. Cf. the Genealogical Tables I-VII, and the Introductory Note to the Tables, in volume v of this series, *The History of the Anglo-Saxons*.
- p. 328. 1. The *Monumenta Historica Britannica*, vol. I, edited by Henry Petrie assisted by the Rev. John Sharpe, appeared in 1848. It gives the principal chronicles down to the Norman Conquest. No more was published in this large folio form.
- p. 330. 1. *genealogies*. In the Parker MS. of the A.S. Chronicle, printed in PSC, vol. I, p. 4; see also vol. II, p. 5 note.
- 2. See below (p. 869), reference in note to p. 446. The true reading is Dunsetan.
- p. 331. 1. The date in the A.S. Chronicle is 495.
- 2. Cf. Genealogical Table I, Wessex (vol. v).
- p. 334. 1. *Meanwara Mægð*, the district of the Mean-dwellers, in the A.S. version of Bede translates "*Meanuarorum provinciam*" in Bede, bk iv, ch. 13, on which see Plummer's note.
- p. 335. 1. Ine's chronology is unsettled. According to the A.S. Chronicle he succeeded in 688, and resigned in 726, 727 or 728. [See Plummer's note on Bede, bk v, ch. 7.]
- p. 336. 1. KCD, no. lxxiii, BCS, no. 142. A.D. 725.
- p. 337. 1. The capture of Somerton in Somersetshire by the King of Mercia belongs to the year 733.
- 2. The A.S. Chronicle says sixteen years, which would place his death in 756. [See PSC, vol. II, p. 44 note and Gen. Table II (vol. v).]
- p. 340. 1. KCD, no. xciii, BCS, no. 169.
- p. 341. 1. KCD, no. cxv, BCS, no. 200.
- p. 342. 1. A.S. Chronicle, *anno* 755.
- p. 343. 1. KCD, no. clxxi, BCS, no. 278.
- 2. The true date is 802. [See PSC, vol. II, pp. 66, 67.]
- p. 351. 1. The true date is 839.
- p. 354. 1. *pertinax*. In fuller phrase he has already been described as "in multis aliis perversitatibus pertinax."
- p. 358. 1. *royal diadem*. *Stemmate regali* might mean, of the kingly race.
- p. 364. 1. This identification of Edgar in the document with King Edward the Elder is very doubtful. The Gwentian Brut places the incident under 958 and names Owen, King of Deheubarth, as the aggressor, and not Howel the Good. See HSC, vol. I, p. 285.
- p. 365. 1. *of Myrcum* means, by the Mercians. For the questions connected with the date of the accession and coronation of Athelstan, see PSC, vol. II, pp. 132, 133.
- p. 368. 1. *Emmet*. In the A.S. Chronicle *æt Eamotum*. Emmet in Yorkshire or Dacre on the Eamont, Cumberland.
- p. 372. 1. *Leownton* is identified by Kemble as Lewton in Wiltshire; the document is a grant to the thegn Wulfgar of land at Ham in that county. But Birch has Luton.
- p. 374. 1. KCD, no. cccliii, BCS, no. 677.
- p. 375. 1. KCD, no. ccclxv, BCS, no. 704.
- p. 376. 1. *Johannes*. John the Eleventh, Pope, 931-936.
- 2. KCD, no. ccclxvii: dated 935 by the indiction. The names of some of the bishops appended do not agree with either date.
- p. 378. 1. See on the date of Edmund's accession, PSC, vol. II, p. 142.
- p. 384. 1. On the question of Bridferth's authorship, see *Memorials of Saint Dunstan*, ed. Stubbs (Rolls Series), pp. xviii-xxvi. The editor rejects the ascription.
- p. 385. 1. KCD, no. ccccx, BCS, no. 815. Among the witnesses 7 *Coll* may stand for Andcol; *Imorcer* is possibly for 7 Morcer.
- p. 386. 1. KCD, no. ccccxvi, BCS, no. 832. The copy in the *Monasticon* is faulty.
- p. 388. 1. KCD, no. ccccli.
- p. 391. 1. KCD, no. dxiv (vol. VI, p. 237: vol. II, p. 404), BCS, no. 1135 December 28th, 964.
- p. 393. 1. KCD, no. dlxiii, BCS, no. 1266. Suspect.

- p. 396. 1. KCD, no. dlxvii, BCS, no. 1277.
- p. 400. 1. KCD, no. dxix, BCS, no. 1185. June 3rd, 966.
- p. 409. 1. LGA, vol. i, p. 210 top.
- 2. LGA, vol. i, p. 214.
- p. 415. 1. *Olney*. "Insula quæ Olanege appellatur," Florence of Worcester, ed. Petrie, in *Mon. Hist. Brit.* p. 593 A. "The Eighth in Severn (near Deerhurst), Gloucestershire," Petrie. See PSC, vol. II, p. 199.
- p. 416. 1. Cotton MS. Tiberius B iv.
- p. 418. 1. See on this Annal PSC, vol. II, pp. 208-210.
- p. 426. 1. *ornatura* is a translation of "þa bone" of the A.S. Chronicle. One writer describes it as a great mass of gold. See PSC, vol. II, p. 251.
- p. 428. 1. *Sarhaed*. Saraad, insult or wounding and the compensation due for it. *Mechdeyrnged*, tribute paid by an underchieftain to his superior.
- p. 429. 1. In Le Prévost's edition, vol. II, p. 118.
- 2. Not by Stigand, but by Ealdred of York.
- p. 432. 1. The butsecarls were a standing force of seamen corresponding to the huscarls. [See PSC, vol. II, pp. 239, 240.]
- p. 433. 1. *Beorcham*. For Beorhhamstead, that is, Berkhamstead, Herts, or possibly Berstead near Maidstone. [PSC, vol. II, p. 10.]
- p. 435. 1. In Le Prévost's edition, vol. II, pp. 154-156.
- p. 438. 1. *Wihgara byrig*. Carisbrook.
- 2. This passage in Huntingdon is under date 514.
- p. 440. 1. He is to be identified with Æpelweard (Ethelwerd) the chronicler.
- p. 441. 1. *Æt Stane*. Stoneham. "Eota land" occurs in the A.S. version of Bede. [See Map II (vol. v).]
- p. 442. 1. Florence of Worcester dates Swegen's flight in 1051, but the A.S. Chronicle E places it under 1048.
- p. 443. 1. *Thornsæta*. For Dornasæta, Dorset.
- p. 445. 1. Printed in *Sancti Aldhelmi Opera*, ed. Giles, p. 83.
- p. 446. 1. LGA, vol. i, p. 374.
- p. 450. 1. *Saessenæg habail*. This British place-name appears in the manuscripts of Nennius in many forms: the best reading appears to be *Sathenegabail*. One editor suggests *Syddyn y ceubal*, the station of the ferry-boat.
- p. 451. 1. The charter is printed in KCD, no. xxxvii, and BCS, no. 86, but *Ruym* is not in either of them: it would appear to have been added by the compiler of the Chronologia here cited from Twysden under the name of W. Thorn.
- p. 457. 1. *Uihfred*. The reading in Henry of Huntingdon is Nithred by mistake for Uihfred: see the note in *Mon. Hist. Brit.* p. 723.
- p. 458. 1. For the Privilege granted to the churches and monasteries of Kent by Wihfred at Bapchild, see HSC, vol. III, p. 238.
- p. 459. 1. See on this passage of Bede PB, vol. II, p. 338.
- 2. KCD, no. cx, BCS, no. 193.
- p. 460. 1. KCD, no. cxiv, BCS, no. 194.
- 2. HSC, vol. III, p. 400.
- 3. KCD, no. xevi, BCS, no. 175.
- 4. KCD, no. cxxxii, BCS, no. 227.
- p. 461. 1. KCD, no. cxi, BCS, no. 195.
- 2. KCD, no. mxiii, BCS, no. 243. Twysden, *Decem Scriptores*, col. 2211.
- 3. KCD, no. cxiv, BCS, no. 194. A confirmation of the second charter of Sigere above, p. 460, 1.
- p. 463. 1. BCS, no. 328.
- p. 466. 1. KCD, no. celxxvi, BCS, no. 486. The nature of this grant is discussed in Kemble, J. M. *The Saxons in England*, vol. II, pp. 480-487. His conclusion is, "He [Æðelwulf] determined to liberate from all those various exactions and services which went by the general name of witeræden, the tenth part of the estates which, though hereditary tenure had grown up in them, were still subject to the ancient burthens of folcland, whether they were in the hands of laics or clergy."
- p. 467. 1. KCD, no. cexcv, BCS, no. 518.
- 2. KCD, no. cexxiv, BCS, no. 516.

p. 468. 1. KCD, no. clxxv, BCS, no. 289. The date is subsequent to and about 798.

— 2. On Æthelmær (Ægelmar) see PSC, vol. II, p. 186.

— 3. KCD, no. mcccxxxviii, BCS, no. 1097.

p. 471. 1. KCD, no. dcccxcii, BCS, no. 64.

p. 472. 1. In some manuscripts, but T which forms the basis of Miller's edition has *Berhthune* 7 *Andhune*.

p. 473. 1. BCS, no. 80.

— 2. The true reading is Nunna.

— 3. KCD, no. dcccxcv, BCS, no. 78.

p. 474. 1. KCD, no. mviii, BCS, no. 198.

— 2. KCD, no. mix, BCS, no. 206.

— 3. KCD, no. mx, BCS, no. 211.

p. 475. 1. KCD, no. mxii, BCS, no. 237.

— 2. KCD, no. mxv, mxvi, BCS, no. 261, 262.

p. 476. 1. KCD, no. dcccclxxxvii, BCS, no. 34.

p. 477. 1. KCD, no. dcccclxxxvi, BCS, no. 33.

— 2. KCD, no. dcccclxxxviii, BCS, no. 39.

p. 478. 1. The proper names are very corrupt. The list in Sweet, H. *The Oldest English Texts*, p. 179, is "æswine offing, offa bedcing, bedca (sigefugling), sigefugl swæpping, swæppa antsecging, ants(ecg) geseccing, gesecc seaxneting."

p. 479. 1. *Penda*. See Gen. Table III, Mercia, and Introductory Note to the Tables (vol. v).

p. 481. 1. KCD, no. dcccclxxxiv (vol. v, p. 3 note), BCS, no. 22 A.

p. 482. 1. *Patruelis*, descended from a father's brother, a cousin. See Gen. Table III, Mercia (vol. v), in which Cenred (Coenred) appears as the son of Ethelred's brother.

p. 483. 1. HSC, vol. III, p. 340.

p. 484. 1. KCD, no. cii, BCS, no. 183. "Ego Offa, nondum regno Mercionum a domino accepto, puer indolis in provincia Huicciorum constitutus."

p. 485. 1. *Hestingorum* is perhaps for Hesdingorum. Gaimar (*L'Estorie des Engles*, l. 1596) mentions Hestdene as a division of South Humbria, apparently in or near Lincolnshire.

p. 486. 1. KCD, no. clii, BCS, no. 253.

— 2. Offa died July 29th, 796; in the same year as Adrian the First, as it began then at Christmas.

p. 488. 1. So the A.S. Chronicle, but the correct date is 821. The next three dates are all two years too early.

— 2. *Pedessor*. This word remains unexplained; Kemble, *The Saxons in England*, vol. II, p. 117, suggests king's messenger: more probable is assessor, the king's legal adviser.

— 3. KCD, no. cxevi, BCS, no. 335.

p. 489. 1. KCD, no. cxeviii, BCS, no. 339.

p. 490. 1. This entry rests on a false date in the A.S. Chronicle; it refers to the synod of 824. There was a meeting of the Witenagemot on Sept. 17th, 822, when Ceolwulf was consecrated. HSC, vol. III, p. 589, pp. 592-5.

p. 491. 1. HSC, vol. III, p. 592, KCD, no. cexviii, BCS, no. 379.

p. 492. 1. For the date of Beorhtwulf's accession see PSC, vol. II, p. 77.

— 2. KCD, no. cclxi, BCS, no. 454. The true date, as shown by the indication, is 848.

p. 493. 1. KCD, no. ccxiv, BCS, no. 430. Thorpe, *Diplomatarium*, p. 90.

p. 495. 1. Boethius, *De Consolatione Philosophiae*, ed. Peiper, bk. I, ch. 5, ll. 46-48. Translated by H. R. James, "Master, bid the waves subside! | And earth's ways with consummation | Of Thy heaven's order guide."

p. 502. 1. Æthelflæd of Mercia died in 918, according to the Mercian Register, in 922 according to the A.S. Chronicle. The correct date is probably 919. [See PSC, vol. II, p. 117.]

— 2. This entry is under 918 in Henry of Huntingdon.

p. 503. 1. KCD, no. ccccix, BCS, no. 779. The date is 942-946.

p. 506. 1. KCD, no. mlxvi, BCS, no. 552. The date is 884.

p. 507. 1. KCD, no. cccxi, BCS, no. 547. Thorpe, *Diplomatarium*, p. 133.

- p. 507. 2. KCD, no. cccxvi, BCS, no. 561. Thorpe, *Diplomatarium*, p. 135.
 — 3. KCD, no. ccclx, BCS, no. 607. The date, as shown by the indiction, is 904.
- p. 509. 1. An impossible date: the correct expression would be pridie Idus Junii, June 12th.
- p. 512. 1. From Will. Malm. *De Gestis Pontificum*, ed. Hamilton (Rolls Series), p. 349 (*Vita Aldhelmi*).
 — 2. KCD, no. xxii, BCS, no. 58. Will. Malm. *De Gestis Pontificum*, p. 350.
 — 3. KCD, no. xxvi, BCS, no. 65. Will. Malm. *De Gestis Pontificum*, pp. 351, 352. The quotation below, "non quidem Rex," etc. is from Malmesbury, p. 351.
- p. 513. 1. KCD, no. lvi, BCS, no. 116.
- p. 514. 1. KCD, no. lvii, BCS, no. 117.
 — 2. KCD, no. cxviii, BCS, no. 204.
 — 3. KCD, no. cxxviii, BCS, no. 205.
- p. 515. 1. KCD, no. cv, BCS, no. 187.
 — 2. KCD, no. cii, BCS, no. 183.
- p. 516. 1. KCD, no. xc, BCS, no. 165.
- p. 517. 1. KCD, no. celxxix, BCS, no. 490. Better Ealhunn or Ealhwine.
- p. 520. 1. He signs as Hrani, Ranig dux; see Searle, W. G. *Anglo-Saxon Bishops, Kings and Nobles*, p. 438. See also for the *Magesæte* BCS, vol. III, pp. 242, 243 note, and Map V (vol. v).
- p. 523. 1. KCD, no. cccxciii, BCS, no. 1092. *Hwede*, A.S. *gehwæde* means small, slender.
- p. 524. 1. The relationships of the Countess Lucy as stated in the table are based on Ingulf and accepted by Dugdale. In point of chronology they present an insuperable difficulty. It is certain that there was a Countess Lucy who was successively the wife of Roger Fitz Gerald and Ranulf Meschin. Some genealogists, as Doyle, *Official Baronage of England*, vol. I, p. 363, make her the daughter of Ivo Taillebois and Lucy, daughter of Algar: another says that there was but one Lucy, wife of the three husbands and daughter of Thorold the Sheriff. In DNB under Randolph called Le Meschin, the question is thus summed up, "It can only be said that her parentage is not yet proved, but that she was a great heiress, who was certainly widow of Roger and probably of Ivo previously when Randolph married her" (J. H. R.).
- p. 535. 1. LGA, vol. I, p. 228.
- p. 537. 1. KCD, no. dcccix. The date is 1060. Ælfwine among the witnesses (called Alwinus) was abbot of Ramsey from 1043 to 1079. The document is a confirmation of Edgar's foundation charter of Ramsey granted by Edward the Confessor.
- p. 540. 1, 2, 3. *Anna, Aldwulf, Alfwold*. See Gen. Table IV, East Anglia, and footnotes (vol. v).
- p. 541. 1. *Hunbeanna*, possibly two names, Hun, Beonna (or Beanna). [See Gen. Table IV (vol. v).]
- p. 543. 1. Printed in Ælfric's *Lives of the Saints*, ed. Skeat, vol. II, p. 314.
- p. 544. 1. LGA, vol. I, p. 126.
- p. 545. 1. According to William of Malmesbury, Guthrum-Athelstan was succeeded by Eric, and he by Guthrum the Second. [See PSC, vol. II, p. 124.]
 — 2. LGA, vol. I, p. 128.
- p. 555. 1. *East Saxons*. With this account of the East Saxon kings compare Genealogical Table V (vol. v) and Prof. H. M. Chadwick, *Studies on Anglo-Saxon Institutions*, pp. 275-277. Table V is mainly constructed from a text of the close of the ninth century which was first published in Sweet's *Oldest English Texts* (1885).
- p. 557. 1. *Sigebert*. See footnote to Gen. Table V (vol. v). The third son of Sebert (Saberht) may have been Sexbald (Seaxbald).
 — 2, 3. *Sigebertus Parvus, Sigebertus Bonus*. Table V (vol. v) represents Sigebertus Bonus as the son of Seward (Saweward), and suggests that Sigebertus Parvus who is not included in the Table, was the son or brother of Seaxa. One king only (Sigebertus Bonus) appears as reigning between the death of the sons of Sebert (c. 617) and the accession of Swithelm (c. 660). Prof. H. M. Chadwick points out that the identification of Sigebert, the father of Selred (see pp. 558-559),

as Sigebertus Bonus would make the preceding generations very short and the following ones very long since Swithelm the successor of Sigebertus Bonus died, not later than 664. Sigebert, the father of Selred, must have lived half-a-century later than Sigebertus Bonus.

p. 558. 1. KCD, no. xxxv, BCS, no. 81. The date is 692 or 693. [See Gen. Table V (vol. v).]

— 2. KCD, no. lii, BCS, no. 111.

p. 559. 1. *Siric*, a later spelling of Sigeric.

p. 561. 1. *Cortina*, hangings of any sort, altar curtains, bed curtains, etc., here probably tapestry for the walls of a room.

p. 563. 1. *The succession from Ida to Ethelfrith*. Cf. Gen. Table VIa and the footnotes (vol. v). This table is derived from some notes on the fly-leaf of the Moore MS. of Bede's *Historia Ecclesiastica* published in Sweet's *Oldest English Texts*, p. 148. According to these notes, which were written apparently in the year 737 (and substantially the same account is given by the *Historia Brittonum* and several other texts), the regnal years of these kings were as follows:

Ida, 12 years (547–559),
Glappa, 1 year (559–560),
Adda, 8 years (561–568),
Aethelric, 4 years (568–572),
Theodric, 7 years (572–579),
Frithuwald, 6 years (579–585/6),
Hussa, 7 years (585/6–592/3),
Aethelfrith, 24 years (592/3–617).

Adda, Aethelric and Theodric were sons of Ida. The genealogies of Glappa, Frithuwald and Hussa are unknown.

— 2. *Ella*. The year 588 is given as the date of Ella's death by the Saxon Chronicle and some other texts. Bede, in his *Chronicon*, states that Ella was still reigning at the time of Augustine's mission (596/7). [See footnote to Table VIa, Bernicia (vol. v).]

p. 564. 1. *Fritholgwald and Hussa*. See above, note 1 to p. 563.

— 2. The statement is certainly an error; Aedan was king of the Dal Riada.

p. 569. 1. *Lamnguin*. Petrie translates "ensis candentis"? of the gleaming sword. *Catscaul* is cath-is-gwaul, the battle within the wall, PB, vol. II, p. 121; the English name in Bede is *Hefenfelth*, Heavenfield.

p. 571. 1. *farther...reach*. Skene, W. F. *Celtic Scotland*, vol. I, p. 260, translates, "not easily discovered." He dates this revolt of the Picts in 672.

p. 584. 1. *Holda* is the "hold" of the A.S. Chronicle, a word introduced by the Danes into England, O.W.Scand. *höldr*, "a kind of higher yeoman, like the statesman of Westmorland, i.e. the owner of allodial land," Cleasby and Vigfusson, *Icelandic Dictionary*. The *Historia de Sancto Cuthberto* is not by Simeon.

p. 602. 1. KCD, no. dcclxiii. The date is 1042.

p. 603. 1. *Galmanho*. An abbey in the suburbs of York near Bootham Bar. Soon after its foundation it appears to have been given to the abbot of S. Mary's, York. Dugdale, *Monasticon*, vol. III, p. 529, says it was S. Mary's, but in vol. VI, p. 1626, throws doubt on this statement.

p. 608. 1. Robert of Commines was murdered on Jan. 28th, 1069.

p. 611. 1. Cf. Gen. Table XXIV in volume III, *History of Normandy and of England*.

p. 612. 1. Ulf's horn, which is still treasured in York Minster, is pictured in Drake, F. *Eboracum*, opposite page 481.

p. 614. 1. For the extent of the kingdom of Alclyde see Skene, vol. I, p. 235, and the map there facing p. 228.

— 2. The Inquisition into the lands belonging to the See of Glasgow, made by the Elders and Wise Men of Cumbria in 1120 or 1121 by command of David, Earl of Cumbria, is printed in HSC, vol. II, p. 17.

p. 616. 1. *Annals of the Caledonians*, 1828, vol. II, p. 153. "A Saxon name among Britons!"

p. 625. 1. HSC, vol. II, pp. 11, 23, 195.

p. 629. 1. *Gewæde* is the Forth. [See PSC, vol. II, p. 267.] It is called *Scote Watra*, the Water of the Scots, in the quotation from Ordericus on p. 635.

p. 634. 1. *Loidis*, the *Loðene* of the A.S. Chronicle is the district now consisting of the three counties of East, Mid and West Lothian, Skene, vol. I, p. 241.

p. 638. 1. *Facere rectitudinem* means, to answer in law. [See the *History of Normandy and of England*, vol. IV, p. 714, note to p. 197.]

p. 642. 1. *Æthelric* (Adelaide) was her first name, she assumed that of Matilda afterwards.

p. 661. 1. Cf. Gen Table XXV, volume III, *History of Normandy and of England*.

— 2. *Crinan* was lay abbot of Dunkeld; for his status see Skene, vol. I, pp. 390–392, and for the genesis of the word *abthane* the edition of Fordun by Skene, vol. II, p. 413.

p. 669. 1. For the *Ordo Coronationis Æthelredi II. Regis*, see Taylor, A. *The Glory of Regality*, pp. 395–405.

p. 672. 1. The documents containing the name of Angemundus referendarius are all highly suspect: see p. 867, note to p. 300.

p. 674. 1. On Ingelric the Priest see Round, J. H. *The Commune of London and other Studies*, pp. 28–36. The church was S. Martin's le Grand, the date Whitsuntide, 1068. An English form of the charter has been printed by Mr W. H. Stevenson in the *English Historical Review*, vol. XI, pp. 740, 741.

p. 683. 1. Compare KCD, no. dccxv.

p. 684. 1. See Ellis, A. J. *The only English Proclamation of Henry III.* There is another copy of the Proclamation in the Bodleian Library, which was addressed to Oxfordshire.

p. 693. 1. LGA, vol. I, pp. 140, 141. Pollock, Sir F. and Maitland, F. W. *The History of English Law*, vol. I, pp. 60–62. *The English Historical Review*, vol. VIII, pp. 1–7.

p. 697. 1. KCD, no. dviii, BCS, no. 1106.

p. 699. 1. KCD, no. clxxxii, BCS, no. 307.

p. 700. 1. *healsfang* is not a collar; it is a sum of money, one-tenth of the deceased man's wergild, paid in lieu of horse, harness and weapons. [See LGA, vol. I, pp. 358, 359.]

— 2. A misinterpretation due to confusion of A.S. *cwide* and *cyððe*. The words of Cnut's law “7 gif he to þam cingee furðor cyððe hæbbe,” mean, and if he have more intimate relations with the king.

p. 705. 1. KCD, no. cxxxix, BCS, no. 235.

— 2. KCD, no. dxxxi, BCS, no. 1181.

p. 709. 1. LGA, vol. I, pp. 247, 255. The date is 1008–1011, the place probably King's Enham, near Andover, Hampshire. The document is a paraphrase of the A.S. original.

p. 710. 1. LGA, vol. I, p. 365.

p. 715. 1. *Roman de Rou*; ed. Andresen, II. 7843–7850.

— 2. The manuscripts of the A.S. Chronicle vary here and none of them preserves the original. [See PSC, vol. II, p. 185.]

p. 722. 1. KCD, no. dcccxcviii.

p. 724. 1. LGA, vol. I, pp. 456, 457.

p. 733. 1. HSC, vol. III, p. 579.

p. 734. 1. HSC, vol. III, p. 601. The correct date, as the indiction shows, is 825. *Leogeneshamme* may be Lenham, Kent; in another copy the name is *Jogneshomme*.

p. 738. 1. The Antrustion was a member of the king's bodyguard in the Merovingian period; he swore to the king not only fealty but also “trustis,” that is, he promised to be in his *truste*, his guard. He had a triple wergild and other privileges. [See Lavissee, E. *Histoire de France*, tome II, p. 178.]

p. 742. 1. *Kiersi*. Quierzy-sur-Oise. This ordinance was published when Charles le Chauve was about to depart for Italy in 877, as a guide to the regent, his son Louis, and a check on his administrative acts. The king wished to keep in his own hand appointments to such counties as should fall vacant during his absence; the arrangements made by Louis for their government were to be provisional. The document, which has the appearance of an occasional expedient, does nevertheless describe the current usage. [See Lavissee, E. *Histoire de France*, tome II, pp. 422, 423.]

- p. 744. 1. Jaffé, P. *Monumenta Carolina*, p. 440.
- p. 754. 1. *Bonnier*. A land measure of one hectare, forty ares, that is 3-395 English acres.
- p. 772. 1. According to Müllenhoff, K. *Deutsche Altertumskunde*, Band iv, pp. 194, 195, these noble families existing exceptionally beside the royal house, represent separate racial elements in the Bavarian people.
- p. 778. 1. LGA, vol. I, p. 396: from the *Textus Roffensis*, about 1120.
- 2. *sanctum*. In similar formulae, *sanctificatum*. [See LGA, vol. I, p. 397.]
- p. 815. 1. Jaffé, *Monumenta Carolina*, p. 460, reads, "esse ubi illis conloquimini. N videtur" for the MS. "esse ubi illis conloquium nam N videtur."
- p. 846. 1. For the *Inquisitio Eliensis* see Round, J. H. *Feudal England*, pp. 123-142. He concludes that it is a special compilation, partly from the original returns of the Doomsday Commissioners and partly from the second volume of the completed record, with special reference to the possessions of the Abbey of Ely. The Inquisition of Cambridgeshire in the same manuscript is a compilation from the original returns. [See Round, J. H. *Feudal England*, pp. 1-5.]
- p. 853. 1. *dicker*. A bundle of ten, each of them sufficient to make two horse-shoes.

INDEX

This index is intended to be used with the *Table of Contents*. The pages dealing with the principal matters in the volume can be quickly found by means of the index; this will guide the reader to the *Contents* where an analysis of the subject will be seen grouped under the main heading. For example, in the index will be found the entry, Charters, Anglo-Saxon, 282-324; page 282 should be sought in the *Contents* where (pp. xvii-xx) a concise summary of the information to be gathered from this section has been printed.

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